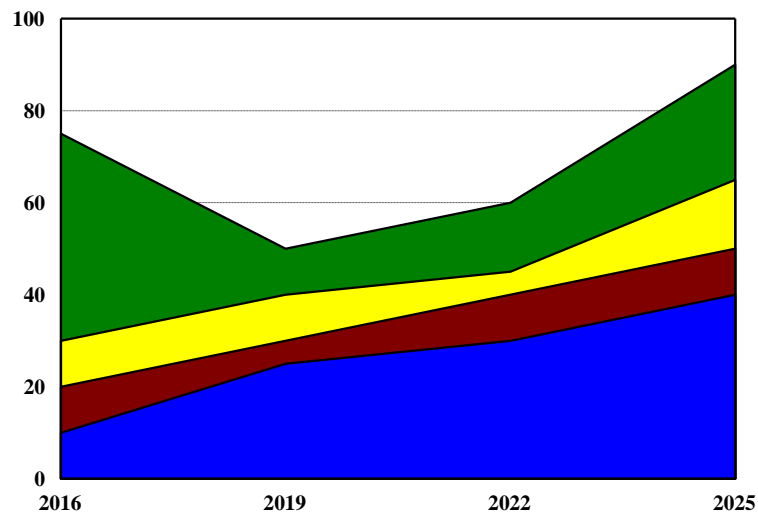


# KANSAS SENTENCING COMMISSION

## Fiscal Year 2016 Adult Inmate Prison Population Projections

**Prison Population Projections**



August 2015



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## OVERVIEW OF FY 2016 PRISON POPULATION PROJECTIONS

Kansas prison population in FY 2015 has shown a continuous increase since FY 2009. During the six years from FY 2009 prison population increased by 1,220 inmates, an average of 203 inmates per year<sup>1</sup>. Compared with that of FY 2014, FY 2015 prison population indicated an increase of 2.2% or 210 inmates. Prison admissions in FY 2015 increased by 10.7% when compared with that of FY 2014 and 18.5% over that of FY 2011<sup>2</sup>. The increase in admission was due to the admissions of prison sanctions from probation, which is part of the Justice Reinvestment Initiative bill (HB 2170) passed in 2013. The admission of prison sanctions in FY 2015 doubled when compared with that of FY 2014. In FY 2015, direct new court commitments, probation condition violators and parole/postrelease condition violators consisted of 76% of prison admissions, indicating a decrease of 5.7% when compared with that of FY 2014. The three admission types in FY 2014 accounted for 81.7% of the total admissions.

Further examining the admissions types, direct new court commitments to prisons in FY 2015 indicated an increase of 4.2% or 78 admissions when compared with that of FY 2014. Direct new court commitments in FY 2015 indicated a 3.7% decrease over that of FY 2011. The decrease of direct new court commitments reflects the past five years' declines of national and Kansas crime trends.

The prison admissions of probation condition violators in FY 2015 indicated a decrease of 3.4% when compared with that of FY 2014. The decrease of probation condition violators was due to the implementation of the Justice Reinvestment Initiative in House Bill 2170 enacted into law in 2013 and DOC's reclassification which separated probation violators with new convictions from probation condition violator group.

The number of parole/postrelease supervision condition violators admitted to prison demonstrated an increase in FY 2015. When compared with that of FY 2014, parole/postrelease condition violators admitted to prison increased by 8.6%, and 18.7% when compared with that five years ago.

Prison admission of probation violators with new sentences in FY 2015 increased by nearly 30% and 264% respectively when compared with that of FY 2014 and FY 2011. Probation violators with new convictions also increased by 25.4% over that of FY 2014.

Parole/postrelease supervision violators with new sentences admitted to prison in FY 2015 represented the second lowest admission over the past five years, indicating a decrease of 6.2% from FY 2011. When compared with last year's number, this group showed a decrease of 18.4% or 34 admissions.

In examining the estimated prison bed needs by offender group, the largest increase in number is found in the drug offender group over the ten-year forecast period with an increase of 421 inmates. The second largest increase in the prison population for the ten-year forecast period is the Offgrid offenders with an increase of 393 inmates. The increase of the Offgrid prison

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<sup>1</sup> See Figure 12, Page 37.

<sup>2</sup> See Table 14, Page 36.

population is the continuous impact of Jessica's Law (2006 Senate Substitute for House Bill 2567). According to Jessica's Law, some child sex offenses previously classified in Nondrug Severity Levels I, II, III and V will be reclassified as Offgrid offenses with a minimum sentence of not less than 300 months (Hard 25). This reclassification will increase the Offgrid admissions to prison. The third largest increase on prison population is found in the group of Nondrug Severity Levels IV to VI with an increase of 229 inmates. The fourth increase falls on Nondrug Severity levels VII to X. The nonviolent or property offender population indicates an increase by 19.5% or 183 inmates over the ten-year projection. This group was separated from probation condition violators in the FY 2015 Model for the first time and continues in this year's model. The increase of prison population is due to the special sentencing rules that have played an important role in this group.

The estimate increase of required prison beds for Nondrug Severity Levels I, II and III drops to the sixth place when compared with previous models. This is due to the decrease in admissions and length of sentences over the past five years from FY 2011 to FY 2015. The decrease reflects the declining trend of violent crimes in Kansas during the past five years.

Previously, probation condition violators admitted to prison were required to serve their underlying prison sentence. House Bill 2170 enacted on or after July 1, 2013 requires probation condition violators to serve graduated sanctions instead of the underlying prison sentence, which includes: the intermediate sanction of confinement in jail for 2-3 days up to a total of 18 days; If the violator already has at least one intermediate sanction of confinement in jail, they may be remanded the defendant to the custody of the Kansas Department of Corrections (KDOC) for a period of 120 days or 180 days, which the Secretary could reduce by up to 60 days or 90 days (this penalty cannot be imposed more than once during the term of supervision); or if the violator already has been remanded to KDOC custody for a period of 120 or 180 days, revoke probation, assignment to community corrections, suspension of sentence, or nonprison sanction and require the defendant to serve the sentence imposed or any lesser sentence. Graduated sanctions for probation condition violators would reduce the prison population of this offense group while the prison sanction from probation would require additional prison beds for this group. It is estimated that during the ten-year forecast period, the prison population of sanction from probation will increase to 171 inmates, an increase of nearly 45% or 53 additional inmates from FY 2015.

House Bill 2170 also requires that probation condition violators who are released from prison after July 1, 2013 will receive postrelease supervision term. As a result, parole/postrelease condition violator population will slowly increase during the ten-year forecast period with an increase of 25.8% or 160 inmates over the current population.

Pre-guideline (old law) inmate population (excludes old law offgrid) will gradually decrease over the ten-year forecast period. It is estimated that the population of this group will reduce to 30 inmates by 2025.

Overall, the FY 2016 projections indicate that prison population will increase during the forecast period. By FY 2025, total prison population will reach 11,300 inmates, an increase of 1,478 inmates or 15% over the current population level<sup>3</sup>. Offgrid and Nondrug Severity Levels I, II and III inmates will account for 37.5% of the projected prison population in FY 2025. Nondrug

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<sup>3</sup> See Table 10, Page 18.

Severity Levels IV, V and VI inmates will make up 16.8% and nonviolent inmates, Nondrug Severity Levels VII, VIII, IX and X will consist of 9.9% of the projected prison population in FY 2025. The projected drug inmate prison population will represent 15.3% while parole/postrelease supervision condition violators will make up 6.9% of the forecasted prison population in FY 2025. Old law population, not including old law offgrid offenders, will account for 0.3% by FY 2025. Probation condition violators will make up 11.6% while prison sanction (2013 HB 2170) offenders will account for 1.5% of the projected population in FY 2025.

By FY 2025, male prison population will increase to 10,124 inmates, an increase of 12.6% or 1,135 inmates from the FY 2015 population. Female prison population will increase to 1,176 inmates, an increase of 343 inmates or 41.2% by FY 2025. Male inmates will account for 89.6% while female inmates will consist of 10.4% the forecast prison population in FY 2025<sup>4</sup>.

## **METHODS AND ASSUMPTIONS**

### **Source of Data Used for the Projections**

Data utilized for the FY 2016 prison population projections are based on the most recent felony sentencing information and current prison information from FY 2015. This data includes the automated and non-automated data files collected from the Kansas Department of Corrections (KDOC) and the FY 2015 felony journal entry sentencing information collected by the Kansas Sentencing Commission (KSC). Data provided by KDOC includes:

1. Prison admissions
2. Prison populations
3. Prison releases
4. Parole/postrelease supervision populations
5. Parole/postrelease supervision discharges
6. Parole hearing decisions
7. DOC monthly offender population reports
8. Prison and jail sanctions from probation

Data collected by the KSC includes:

1. Prison sentences
2. Probation sentences
3. Probation revocations

The above combined data sources provide the information for the Prison Projection Consensus Group to make the final decisions regarding assumptions that must be built into the model. The sentencing journal entry databases from the KSC provide sentencing trends that impact policy changes. The prison admission file contains each individual admission event with the type of admission, the length of sentence, jail credit, special sentencing rule applied, departure information, and concurrent or consecutive sentences applied. The prison population stock file provides additional information which is used by the Prison Projection Consensus Group as well as characteristics of the June 30 incarceration population. The prison release file informs the Consensus Group of the type of release and the actual length of stay for each individual inmate.

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<sup>4</sup> See Figures 2 & 3, Page 20 & 21.

Parole/postrelease supervision and parole hearing files provide information regarding parole population, parole discharges, parole hearing decisions, and waiting time between each parole hearing. KDOC Monthly Offender Population Reports are utilized to monitor actual prison monthly population compared to the projections.

## **Consensus Group**

In an attempt to formulate the most accurate assumptions, the Sentencing Commission utilizes a Prison Population Consensus Group to review and establish the final set of assumptions that are utilized in building the simulation model. Members of the Consensus Group represent various criminal justice agencies which play a role in processing an individual through the criminal justice system. Members contribute their agencies' expertise regarding formal and informal procedures and provide relevant information and data on specific issues or practices which may affect prison population.

### **Members of the FY 2016 Prison Population Projection Consensus Group:**

Browne, Ebo	Kansas Sentencing Commission
Carroll, Justin	Legislative Research
Chang, Kunlun	Kansas Sentencing Commission
Donovan, Stacey	Board of Indigent Defense Services
Emerson, Kevin	28 <sup>th</sup> Judicial Court Services
Graves, Kathleen	Kansas Department of Corrections
Harmon, Brenda	Kansas Sentencing Commission
Klumpp, Ed	Kansas Sheriffs Association
Lu, Fengfang	Kansas Sentencing Commission
McNeal, Marie	Kansas Department of Corrections
Mechler, Chris	Office of Judicial Administration
Rice, Liz	Kansas Department of Corrections
Riggin, Dave	Kansas Department of Corrections
Roberts, Secretary Ray	Kansas Department of Corrections
Russell, Honorable Michael	29 <sup>th</sup> Judicial District
Schultz, Scott	Kansas Sentencing Commission
Sullivan, Robert	Johnson County Criminal Justice Coordinator
Todd Thompson	Leavenworth County Attorney
Wilson, Honorable Evelyn	Third Judicial District

The Consensus Group held two meetings to review sentencing trends, identify policy changes that may affect future prison bed needs and identify assumptions to be incorporated into the forecast model.

## **FY 2016 Prison Population Projection Assumptions**

1. The model begins on July 1, 2015.
2. The model is based on FY 2015 data (July 1, 2014 - June 30, 2015).
3. This prison population projection is for a ten-year forecasting period (FY 2016 to FY 2025).
4. The projection model is designed to simulate all new commitments to prison, from FY 2016 forward, under sentencing guidelines, with a determinate sentence length.
5. Admission Trends:
  - a) New Court Commitments. Direct new court commitments to prison in FY 2015 (offenders not on any type of supervision at the time of conviction and subsequent admission to prison) indicated an increase of 4.2% or 78 admissions when compared to FY 2014. Compared with FY 2011, the admissions to prison indicate a decrease of 3.7% or 73 admissions. FY 2011 showed a total of 1,995; FY 2012 indicated a total of 1,975; FY 2013 displayed a total of 1,894 admissions; FY 2014 showed a total of 1,844 admissions and FY 2015 indicated 1,922 admissions.
  - b) Probation Condition Violators. In FY 2015, 1,321 probation condition violators were admitted to prison, indicating a decrease of 3.4% or 47 admissions from FY 2014 and a decrease of 18.8% or 305 admissions from FY 2011. Probation condition violators admitted to prison during the five years were: 1,626 in FY 2011, 1,682 in FY 2012, 1,629 in FY 2013, 1,368 in FY 2014 and 1,321 in FY 2015. Of the 1,321 probation condition violators, 136 or 10.3% offenders received prison sanctions before full revocation. One of them received two prison sanctions.
  - c) Prison Sanctions for Probation Condition Violators. In FY 2015, 674 probation condition violators received 691 prison sanctions. Seventeen of the 674 offenders received 2 prison sanctions, one female and 16 males. Thirteen of them received one 120 days and one 180 days sanction, two received one 180 days and one 120 days sanction; one received two 120 days sanctions and one received two 180 days sanctions. Of the 691 prison sanctions, 415 were 120 days; 270 were 180 days; four were 240 days; one was 480 days and one was 540 days. The average length of stay in prison was 41 days for the 120 days, 69 days for the 180 days, 91 days for the 240 days and 232 days for 480 days sanction.
  - d) Probation Violators with New Sentence. Probation violators with a new sentence in FY 2015 indicated an increase of 28.8% or 74 admissions from FY 2014 and an increase of 263.7% or 240 admissions from FY 2011. FY 2011 demonstrated 91 admissions for this group. FY 2012 indicated 180 admissions. FY 2013 showed 198 admissions. FY 2014 indicated 257 while FY 2015 showed 331 admissions, representing the highest admissions in the past five years.
  - e) Probation Violators with New Conviction. In FY 2015, probation violators with new conviction increased by 25.4% or 34 admissions when compared with that of FDY 2014.

Probation violators with new conviction were separated from probation condition violators in FY 2014 due to KDOC's new rule of computation.

- f) Total New Commitments: Rate of Growth<sup>5</sup>. The total new commitments of the above groups except the group of prison sanctions in FY 2014 increased by 3.9% or 139 admissions when compared with that of 2014. In the past ten years, the growth rates for new commitments (which, for projection purposes, include direct new court admissions, probation condition violators and probation violators with new sentences/new conviction) are as follows:

FY 2005 to FY 2006	11.5%
FY 2006 to FY 2007	-8.9%
FY 2007 to FY 2008	-5.1%
FY 2008 to FY 2009	-0.1%
FY 2009 to FY 2010	13.3%
FY 2010 to FY 2011	0.1%
FY 2011 to FY 2012	3.4%
FY 2012 to FY 2013	-3.0%
FY 2013 to FY 2014	5.5%
FY 2014 to FY 2015	3.9%
<i>Average yearly growth rate (FY 2006 to FY 2015)</i>	<b>2.1%</b>

The new commitment growth rate assumption utilized in last year's model was 1.5% annually from FY 2015 to FY 2024. The model also used 30% deduction for probation condition violators and 50% increase for prison sanctions. The consensus group agreed to 1.5% annual growth for males in the FY 2016 Model and increase the growth rate to 5% for females in FY 2016, 4% in FY 2017, 2% in FY 2018 and 2% thereafter. The consensus group also agreed to reduce male probation condition violators by 10% from the current level with no deduction for female probation condition violators.

6. Guideline postrelease supervision condition violators may serve up to 180 days. The average length of stay for this group in FY 2011 was 150 days. The average length of stay for this group in FY 2012 was 155 days. The average length of stay for this group in FY 2013 was 144 days. The average length of stay for this group in FY 2014 was 132 days. The consensus group agreed to use 132 days for this group in the FY 2015 model. The actual average length of stay for this group in FY 2015 was 123 days. The consensus group agreed to use 123 days for this group in the FY 2016 model.
7. In FY 2015, a total of 1,219 parole/postrelease and conditional release condition violators were returned to prison, indicating an increase of 97 offenders when compared to last year. The average rate of parole/postrelease and conditional release condition violators was 101 offenders per month, which was an average of one offender per month over the projected 100 offenders per month in last year's projection model. According to HB 2170, effective on July 1, 2013, probation condition violators will receive postrelease supervision period after release from prison, which will indicate a continuous increase in the number of condition violations.

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<sup>5</sup> The FY 2014 growth rate included prison sanctions. From FY 2015 and forward this group will not be included.

The consensus group agreed that a return rate of 102 offenders per month would be used in the FY 2016 Model.

8. In FY 2015, a total of 151 parole/postrelease violators with new sentences were admitted to prison, representing a decrease of 18.4% or 34 admissions when compared with the admissions of FY 2014. In review of the past five years' data, parole/postrelease violators with new sentence in FY 2015 indicated the second lowest in numbers. (FY 2011-161, FY 2012-141, FY 2013-177, FY 2014-185 and FY 2015-151). Last year the consensus group agreed to use 185 returns with new sentences for the FY 2015 Model. The consensus group agreed to use 160 returns with new sentence in the FY 2016 Model.

#### **9. 2015 House Bill 2051 – Program and Good Time Credit**

This bill was passed in the 2015 Legislative Session and amends K.S.A. 2014 Supp. 21-6821 by: (1) Restoring 20% good time credit for drug severity level 3 (D3) offenders whose offenses occurred on or after July 1, 2012. It was 15%; (2) Increasing the amount of program credit an offender can earn from 60 days to 90 days, including D3 offenders; (3) Requiring the secretary of corrections to make the good time and program credit calculation changes no later than January 1, 2016; and (4) Applying the amendments retroactively.

- In FY 2015, 117 offenders who committed the D3 crimes on or after July 1, 2012 were admitted to prison.
- On June 30, 2015, 201 D3 offenders were incarcerated in DOC who committed the crime on or after July 1, 2012.
- In FY 2015, 3,214 offenders admitted to KDOC were eligible for 2008 SB 14 program credit.
- On June 30, 2015, 4,085 offenders incarcerated in KDOC were eligible for 2008 SB 14 program credit.
- Based on KDOC's FY 2015 releases, 74.4% of the eligible offenders earned program credit with an average 57.8 days.

Since KDOC has already implemented this bill, there is no recommendation from the consensus group.

#### **Forecast Technique**

The forecast technique used in the projection is the Wizard Model developed by the JFA Institute/JFA Associates. The Wizard Model utilizes a modeling technique that is a combination of stochastic entity simulation and a Monte Carlo simulation. The stochastic or probabilistic technique utilizes a random number process to simulate the movement of offenders through the correctional system. The Monte Carlo technique converts the random numbers chosen into individual cases (offenders admitted to prison) and places the inmate in one of the possible statuses available, such as prison, parole, postrelease, or discharge. The Wizard simulates and generates prison bed needs for a ten-year forecast period based upon the sentencing trends, the number of admissions, the length of stay, jail credits, good time lost or earned and inmate age cohorts, as well as the assumptions provided by the Consensus Group and changes in sentencing policy.

## KEY FINDINGS OF FISCAL YEAR 2015 DATA

1. A total number of 9,822 offenders were incarcerated in KDOC on June 30, 2015, representing an increase of 210 offenders when compared with that of FY 2014. Of the total number, 9,303 were guideline offenders and 517 were pre-guideline offenders. Nearly all the pre-guideline offenders were offgrid, nondrug severity levels I to III offenders and parole condition violators, presenting 98.5% of this group.
2. In FY 2015, 5,876 offenders were admitted to prison, representing the highest number in the past five years. Of those 5,876 offenders, new commitments (excluding prison sanction from probation) accounted for 63.7% or 3,742 admissions, which included 32.7% direct new court commitments, 22.5% probation condition violators, 5.6% probation violators with new sentence and 2.9% new conviction.
3. Compared with FY 2014, the total number of new commitments sentenced to prison in FY 2015 increased by 3.9% or 139 admissions. Among the total of new commitments to prison, direct new court commitments accounted for 1,922 admissions, demonstrating an increase of 4.2% or 78 admissions; probation condition violators indicated a decrease of 3.4% or 47 admissions. The decrease of probation condition violators is due to the continuous implementation of 2013 HB 2170. Probation violators with new sentence showed an increase of 28.8% or 74 admissions. Probation violators with new conviction displayed an increase of 25.4% or 34 admissions.
4. In FY 2015, 674 probation condition violators received a total of 691 prison sanctions. Of the 691 sanctions, 415 were 120 days; 270 were 180 days, 4 were 240 days; one was 480 days and one 540 days. Seventeen offenders received 2 prison sanctions, one female and 16 males. The average length of stay in prison was 41 days for the 120 days, 69 days for the 180 days, 91 days for the 240 days and 232 days for the 480 days sanction. Forty-one point three percent of the prison sanctions had no jail sanctions; 37.5% had one jail sanction; 13% had two jail sanctions and 8.2% had 3 or more jail sanctions.
5. Parole/post-release condition violators and conditional release violators made up 20.8% or 1,219 admissions of the total admissions in FY 2015, indicating an increase of 8.6% from that of FY 2014 and an increase of 18.7% from that of FY 2011.
6. The average length of sentence of probation condition violators in FY 2015 was 19.9 months. The average jail credit was 167 days or 5.5 months and the average length of stay in prison was 11.5 months. These numbers had no significant changes from last year. Further examination of this group displayed that 90% of them were offenders ranging from Drug Severity Levels III to V and Nondrug Severity Levels VII to X. This trend has not been changed from previous years.
7. The average length of stay in prison for pre-guideline parole condition violators in FY 2015 is calculated to be 41.3 months, indicating an increase of 10 months from the length of stay observed during FY 2014 (31.3 months). The average length of stay for the guideline

postrelease supervision condition violators in FY 2015 was 4 months (122 days), 9 days lesser than the average length of stay in FY 201 (4.3 months or 131 days).

8. Compared with FY 2014, the average lengths of sentence of the guideline nondrug sentences in FY 2015 decreased by 22 months at Severity Level II, 53 months at Severity Level III and 2.2 months at Severity Level VI. The average sentence lengths increased by 35.6 months for Severity Level I. Nondrug admissions of Severity levels III, VI and IX increased by 19, 35 and 37 respectively. The admissions of severity levels I, V, VII and VIII decreased by 15, 33, 12, 9 respectively. No significant changes are identified of other severity levels. The admissions of drug guideline sentences in FY 2015 increased by 96 and the average sentence length increased by 1.9 months when compared to that in FY 2014.
9. During FY 2015, the admissions of parole/postrelease condition violators with new felony sentences (including conditional release violators with new felony sentences) indicated a decrease of 34 admissions or 18.4% when compared with the returns in FY 2014 and 10 admissions or 6.2% when compared with those of FY 2011.
10. In FY 2015, 715 Drug Severity Level V offenders were admitted to prison. Of this number, 193 were new court commitments, 208 probation condition violators, 196 sanctions from probation, 50 probation violators with new sentence, 24 probation violators with new conviction, 28 parole condition violator, eight parole violators with new sentence and eight others. FY 2015 was the third year of implementation of the five drug grids.
11. The analysis on sex offenses under Jessica's Law indicates that 80 offenders were admitted to prison under this law in FY 2015, an increase of four admissions compared with FY 2014. Of this number, 66 were new court commitments, two probation condition violators, one probation violator with new sentence and 11 parole condition violators. The largest increase was postrelease condition violators. Of the 80 offenders, 23 were sentenced at Hard 25; one was Hard 50; four were life without parole; 51 were sentenced below 300 months. The analysis of the sentence length demonstrates that 36% of the sentences were downward durational departure to guidelines. The percentage of downward durational departures decreased by 4% compared with that of FY 2014 (40%). The average sentence length of the downward durational departures was 142.7 months, indicating a decrease of 19.9 months from the 162.6 months in FY 2014.

**Table 1: Prison Population Characteristics  
6/30/2015**

Severity Level	Pre-Guideline		Guideline		Total	
	Number	Percent	Number	Percent	Number	Percent
D1	0	0.0%	269	2.7%	269	2.7%
D2	0	0.0%	156	1.6%	156	1.6%
D3	0	0.0%	341	3.5%	341	3.5%
D4	0	0.0%	244	2.5%	244	2.5%
D5	0	0.0%	322	3.3%	322	3.3%
N1	87	0.9%	976	9.9%	1063	10.8%
N2	58	0.6%	262	2.7%	320	3.3%
N3	34	0.3%	1196	12.2%	1230	12.5%
N4	1	0.0%	309	3.1%	310	3.2%
N5	4	0.0%	1114	11.3%	1118	11.4%
N6	0	0.0%	245	2.5%	245	2.5%
N7	2	0.0%	576	5.9%	578	5.9%
N8	0	0.0%	138	1.4%	138	1.4%
N9	0	0.0%	211	2.1%	211	2.1%
N10	0	0.0%	10	0.1%	10	0.1%
Offgrid	183	1.9%	1093	11.1%	1276	13.0%
Probation Condition Violators	1	0.0%	1249	12.7%	1250	12.7%
Sanction from Probation	0	0.0%	118	1.2%	118	1.2%
Parole/Postrelease Condition Violators	147	1.5%	474	4.8%	621	6.3%
<b>Subtotal</b>	<b>517</b>	<b>5.3%</b>	<b>9303</b>	<b>94.7%</b>	<b>9820</b>	<b>100.0%</b>
Nongrid/Missing					2	0.0%
<b>Total</b>					<b>9822</b>	<b>100.0%</b>

Source: DOC prison population file.

**Table 2: Comparison of Actual Prison Population between FY 2014 And FY 2015**

<b>Offender Group</b>	<b>2014</b>	<b>2015</b>	<b>Difference</b>
Drug	1183	1332	149
N1 to N3	2485	2434	-51
N4 to N6	1639	1668	29
N7 to N10	963	937	-26
Sanction from Probation	51	118	67
Probation Condition Violators	1353	1250	-103
Offgrid Including Old Law Lifer	1210	1276	66
Parole/Post Release Violators	526	621	95
Old Law Inmates	202	186	-16
<b>Total</b>	<b>9612</b>	<b>9822</b>	<b>210</b>

**Table 3: Guideline Admission Characteristics - FY 2015**

<b>Severity Level</b>	<b>Number Admitted</b>	<b>Percent Admitted</b>	<b>Average Sentence (Months)</b>	<b>Jail Credit (Days)</b>	<b>Probation Condition Violators (%)</b>	<b>Probation Violators w/New Sentence (%)</b>
D1	24	0.5%	127.2	327.0	4.2	0.0
D2	52	1.2%	85.5	151.9	3.8	3.8
D3	189	4.3%	45.0	155.0	24.3	8.5
D4	341	7.7%	25.8	163.4	48.1	10.3
D5	475	10.7%	25.8	152.2	43.8	10.5
N1	62	1.4%	303.3	403.2	0.0	0.0
N2	18	0.4%	139.3	696.9	5.6	0.0
N3	185	4.2%	104.3	377.6	8.6	6.5
N4	73	1.6%	75.1	278.7	8.2	4.1
N5	350	7.9%	59.1	261.8	17.7	8.3
N6	155	3.5%	36.7	202.6	29.0	13.5
N7	598	13.5%	28.1	189.7	38.6	14.5
N8	323	7.3%	17.7	156.2	52.6	12.7
N9	707	15.9%	12.8	127.1	47.2	4.2
N10	79	1.8%	8.5	119.5	44.3	0.0
Offgrid	104	2.3%	-	-	N/A	N/A
Sanction	691	15.6%	-	-	N/A	N/A
Nongrid	5	0.1%				
Unknown	2	0.0%				
<b>Total</b>	<b>4433</b>	<b>100.0%</b>				

Source: DOC admission file.

**Table 4: New Court Commitment Prison Admissions  
by Severity Level in FY 2015**

<b>Severity Level</b>	<b>Number of Admission</b>	<b>Average Sentence (Months)</b>	<b>Jail Credit (Days)</b>
D1	23	131.1	319.0
D2	47	84.7	124.3
D3	122	50.5	131.8
D4	123	31.6	136.4
D5	193	29.1	132.8
N1	62	286.8	399.3
N2	17	139.4	712.2
N3	151	103.1	372.3
N4	63	75.3	281.4
N5	254	60.7	245.2
N6	82	36.4	188.8
N7	239	30.4	179.7
N8	95	18.5	138.9
N9	305	14.2	124.0
N10	40	9.7	139.9
<b>Total</b>	<b>1816</b>	<b>52.3</b>	<b>198.0</b>

Source: FY 2015 DOC admission file.

**Table 5: Probation Condition Violators Admitted To Prison  
by Severity Level in FY 2015**

<b>Severity Level</b>	<b>Number of Admission</b>	<b>Average Sentence (Months)</b>	<b>Jail Credit (Days)</b>
D1	1	36.0	512.0
D2	2	85.5	248.0
D3	46	30.1	178.4
D4	164	18.9	162.9
D5	208	20.4	158.6
N3	16	102.9	411.4
N4	6	51.0	183.3
N5	62	46.0	297.9
N6	45	30.3	187.7
N7	231	20.5	187.5
N8	170	14.6	150.6
N9	334	11.0	131.6
N10	35	7.0	100.3
<b>Total</b>	<b>1320</b>	<b>19.9</b>	<b>166.6</b>

Source: FY 2015 DOC admission file.

**Table 6: Prison Sanctions From Probation  
by Jail Sanction**

<b>Jail Sanction</b>	<b>Number of Cases</b>	<b>Percent</b>
No Jail Sanction	285	41.3
1 Jail Sanction	259	37.5
2 Jail Sanctions	90	13.0
3 Jail Sanctions	34	4.9
4 or More Jail Sanctions	32	3.3
<b>Total</b>	<b>691</b>	<b>100.0</b>

Source: FY 2015 DOC prison sanction admissions matched with TOADS sanctions.

Note: Seventeen offenders received two prison sanctions, one female and 16 males.

**Table 7: Comparison of Guideline New Commitments  
Admissions to Prison by Severity Level and Drug Offense  
FY 2011, FY 2014 and FY 2015**

<b>Severity Level &amp; Offense</b>	<b>FY 2011</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>Difference Between 2011 &amp; 2015</b>	<b>Difference Between 2014 &amp; 2015</b>
N1	78	77	62	-16	-15
N2	17	19	18	1	-1
N3	257	166	185	-72	19
N4	78	74	73	-5	-1
N5	400	383	350	-50	-33
N6	78	120	155	77	35
N7	642	610	598	-44	-12
N8	330	332	323	-7	-9
N9	598	670	707	109	37
N10	88	76	79	-9	3
Drug	1025	985	1081	56	96
<b>Total</b>	<b>3591</b>	<b>3512</b>	<b>3631</b>	<b>40</b>	<b>119</b>

Source: DOC admission file.

Note: New commitments include direct new court admissions, condition probation violators, and probation violators with new sentence/ new conviction.

**Table 8: Average Length of Sentence by Severity Level and Drug Offense  
FY 2011, FY 2014 and FY 2015**

<b>Severity Level &amp; Offense</b>	<b>FY2011</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>Difference Between 2011 &amp; 2015 (Month)</b>	<b>Difference Between 2014 &amp; 2015 (Month)</b>
N1	236.1	251.2	286.8	50.7	35.6
N2	165.3	161.4	139.3	-26.0	-22.1
N3	102.2	157.3	104.3	2.1	-53.0
N4	71.5	71.6	75.1	3.6	3.5
N5	58.5	58.8	59.1	0.6	0.3
N6	35.5	38.9	36.7	1.2	-2.2
N7	27.3	28.3	28.1	0.8	-0.2
N8	17.1	17.2	17.7	0.6	0.5
N9	12.7	12.8	12.8	0.1	0.0
N10	8.5	8.7	8.5	0.0	-0.2
Drug	32.2	32.4	34.3	2.1	1.9

Source: DOC admission file.

**Table 9: Comparative Analysis of  
Condition Parole/Post Release Supervision Violators  
between FY 2013 and FY 2014**

<b>Law</b>	<b>Number of Admission</b>				<b>Average Length of Stay in Month</b>			
	<b>FY 2014</b>	<b>FY 2015</b>	<b>Change #</b>	<b>Change %</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>Change #</b>	<b>Change %</b>
Guideline	1062	1161	99	9.3%	4.3	4.0	-0.3	-7.0%
Pre-guideline	60	58	-2	-3.3%	31.3	41.3	10	31.9%
<b>Total</b>	<b>1122</b>	<b>1219</b>	<b>97</b>	<b>8.6%</b>				

Source: DOC admission and release files.

## **FY 2016 PRISON POPULATION PROJECTIONS**

**Table 10: FY 2016 Prison Population Projection by Offender Group**

<b>Offender Group</b>	<b>2015*</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b># Change</b>	<b>% Change</b>
Drug	1332	1406	1440	1520	1551	1570	1604	1634	1664	1717	1753	<b>421</b>	<b>31.6%</b>
N1 to N3	2434	2366	2370	2379	2434	2468	2499	2484	2505	2530	2573	<b>139</b>	<b>5.7%</b>
N4 to N6	1668	1702	1727	1758	1754	1740	1791	1852	1885	1901	1897	<b>229</b>	<b>13.7%</b>
N7 to N10	937	1034	1055	1036	1041	1048	1096	1096	1121	1098	1120	<b>183</b>	<b>19.5%</b>
Sanction	118	152	165	153	156	158	169	164	195	192	171	<b>53</b>	<b>44.9%</b>
Probation Condition Violators	1250	1293	1343	1331	1257	1283	1270	1263	1252	1256	1306	<b>56</b>	<b>4.5%</b>
Offgrid Including Old Law Lifer	1276	1288	1375	1460	1506	1524	1545	1584	1608	1645	1669	<b>393</b>	<b>30.8%</b>
Parole/Post Release Violators	621	635	676	694	729	716	724	740	737	763	781	<b>160</b>	<b>25.8%</b>
Old Law Inmates	186	147	130	103	84	65	54	41	34	33	30	<b>-156</b>	<b>-83.9%</b>
<b>Total</b>	<b>9822</b>	<b>10023</b>	<b>10281</b>	<b>10434</b>	<b>10512</b>	<b>10572</b>	<b>10752</b>	<b>10858</b>	<b>11001</b>	<b>11135</b>	<b>11300</b>	<b>1478</b>	<b>15.0%</b>

\* Actual prison population on June 30, 2015.

Figure 1: Kansas Prison Population - Actual and Projected

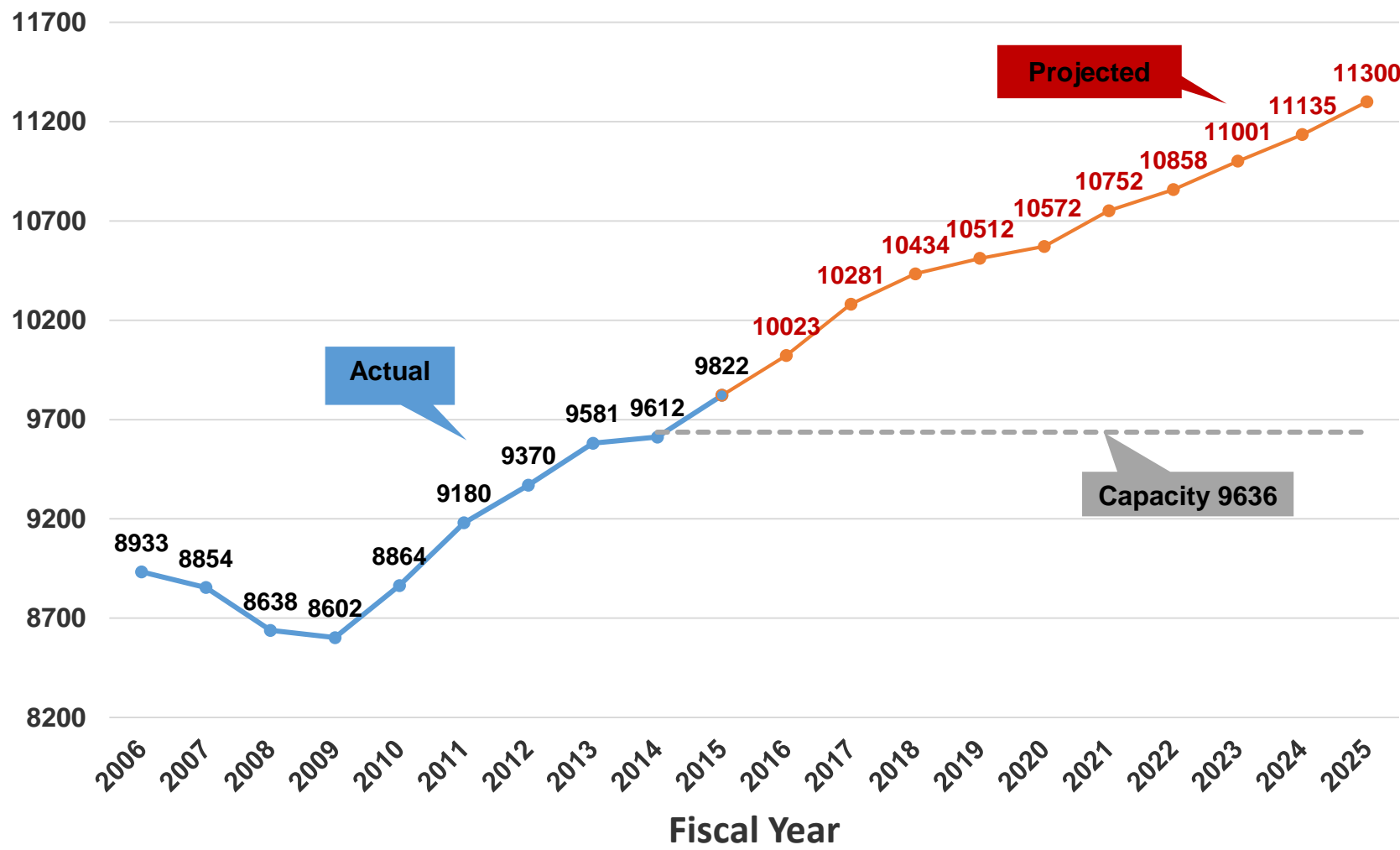
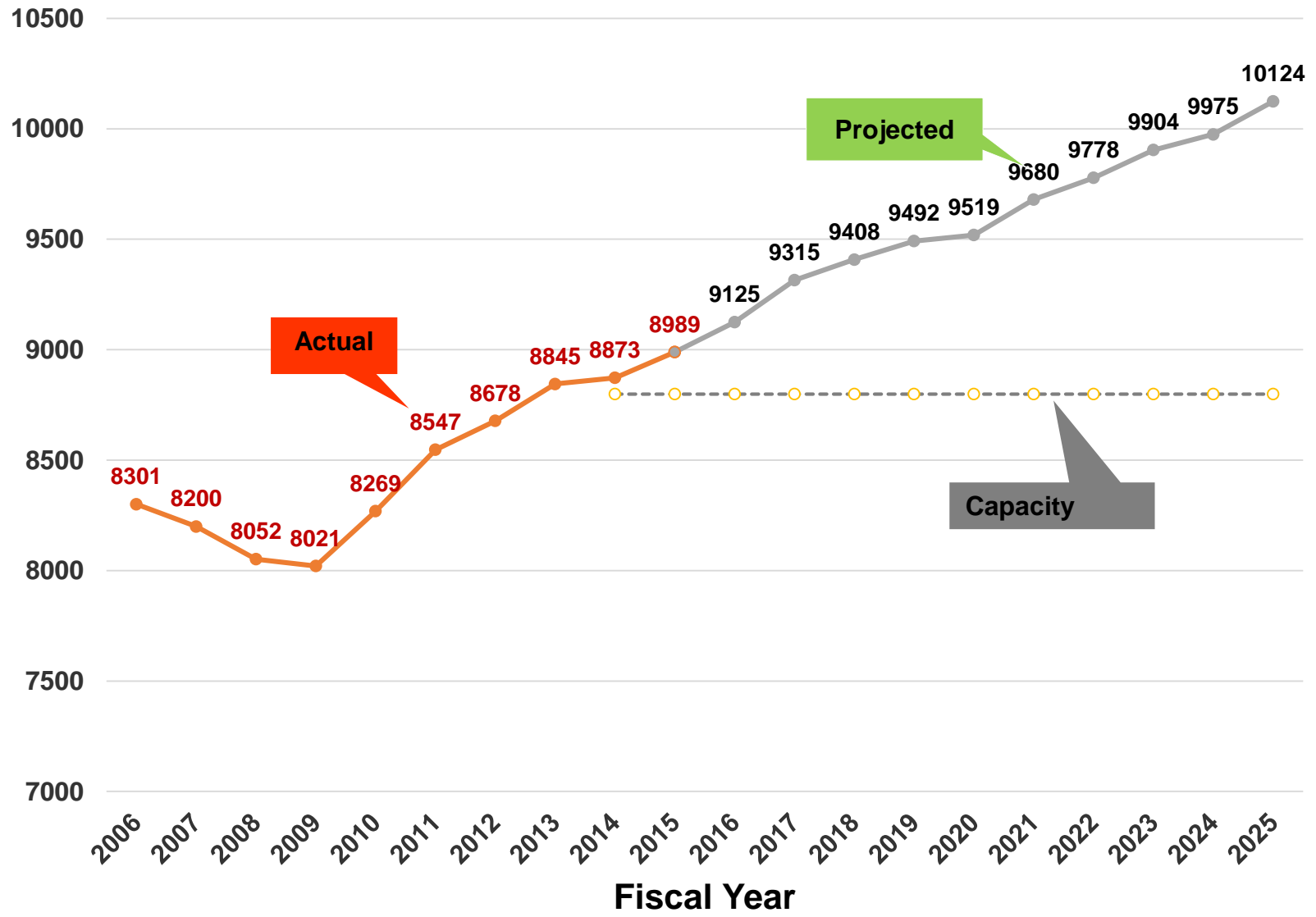
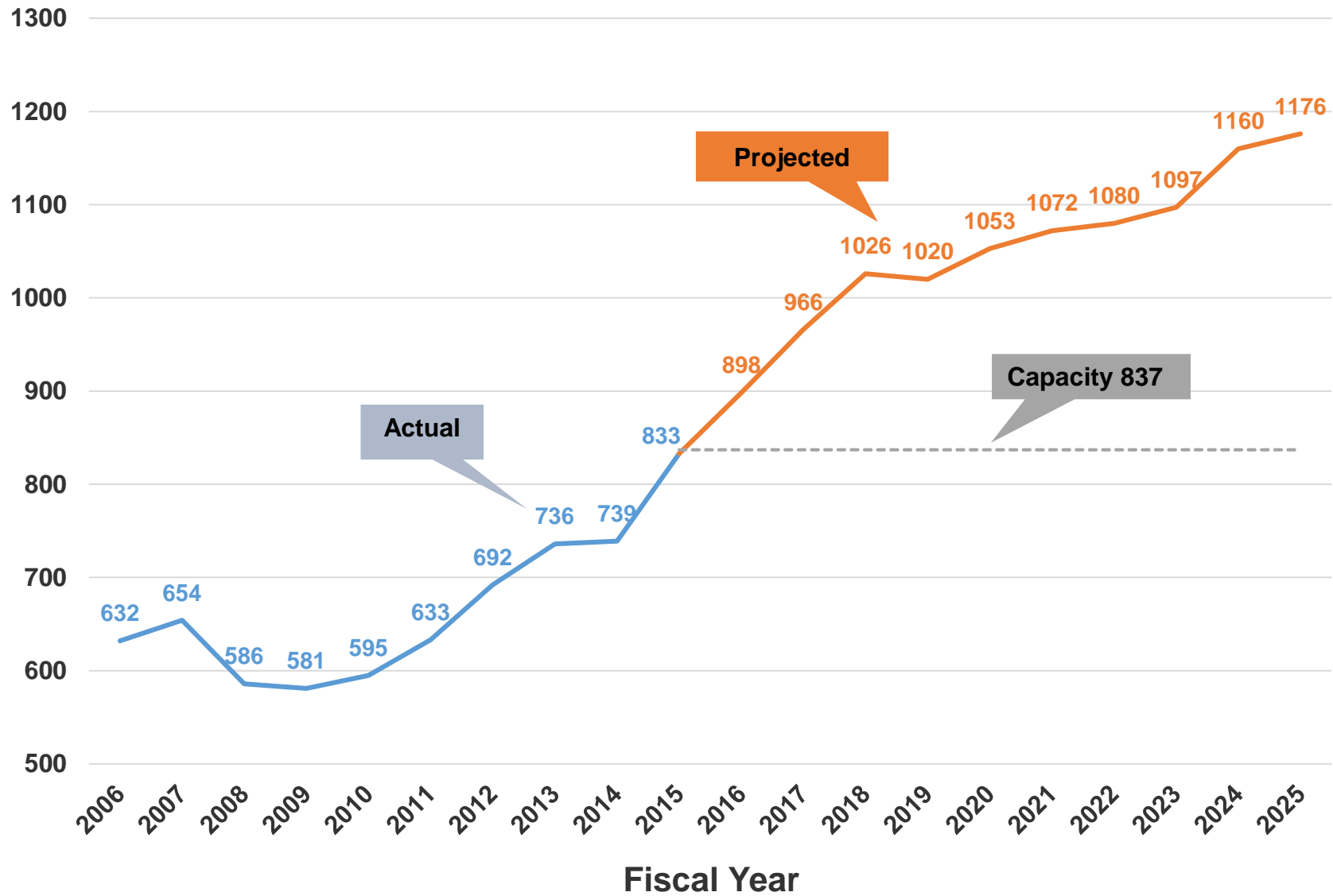


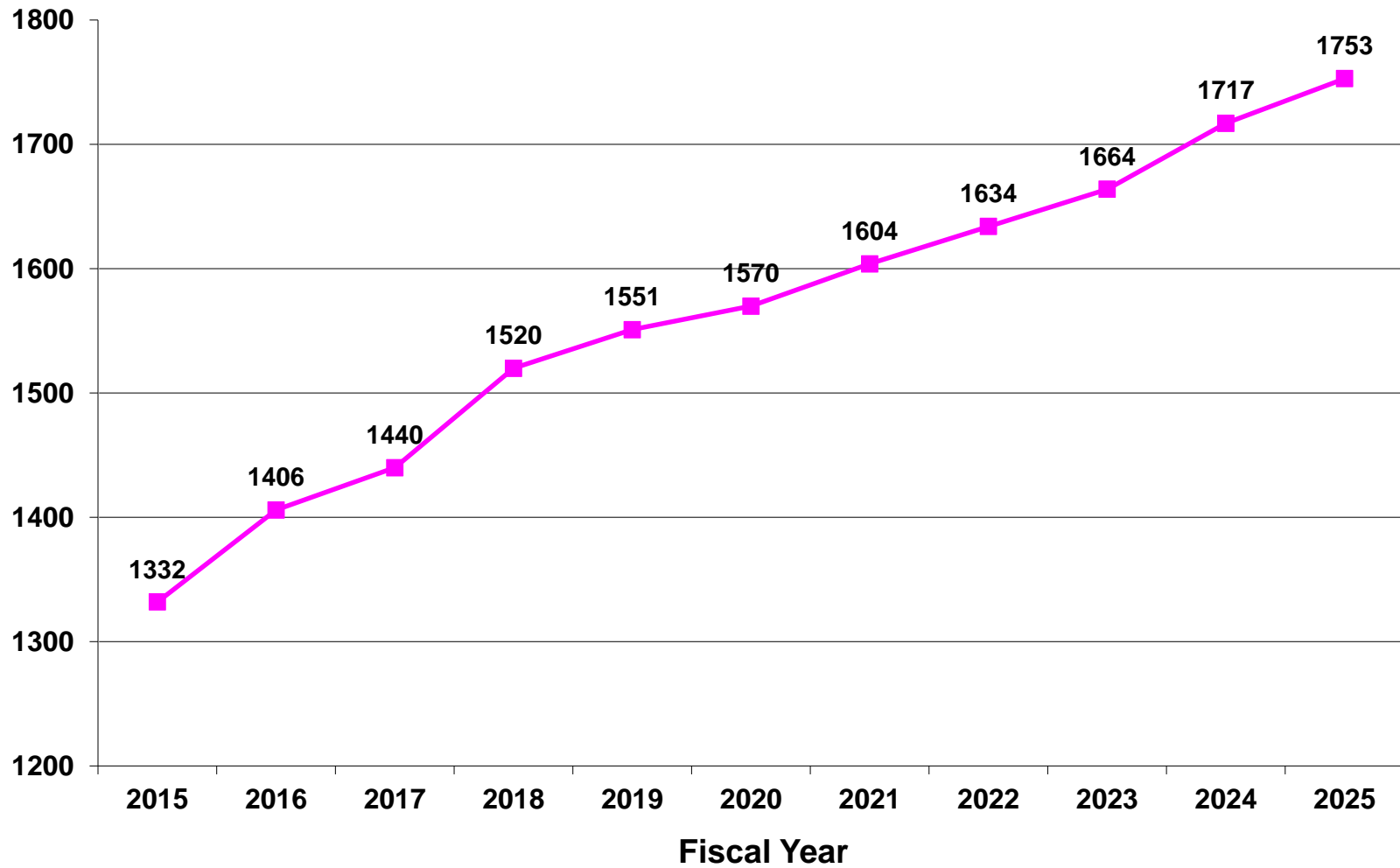
Figure 2: Male Prison Population - Actual and Projected



**Figure 3: Female Prison Population - Actual and Projected**

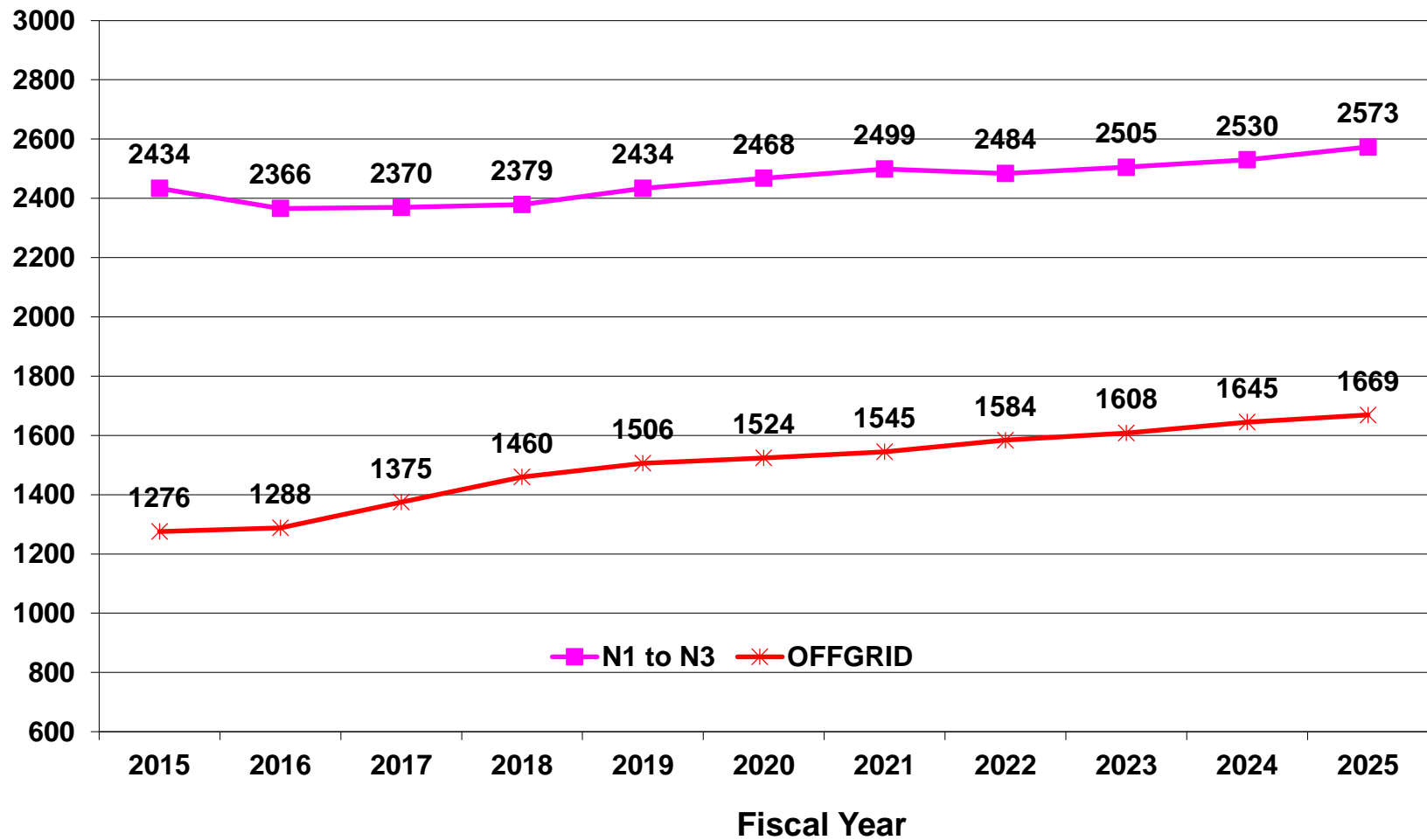


**Figure 4: Projected Drug Inmate Prison Population**



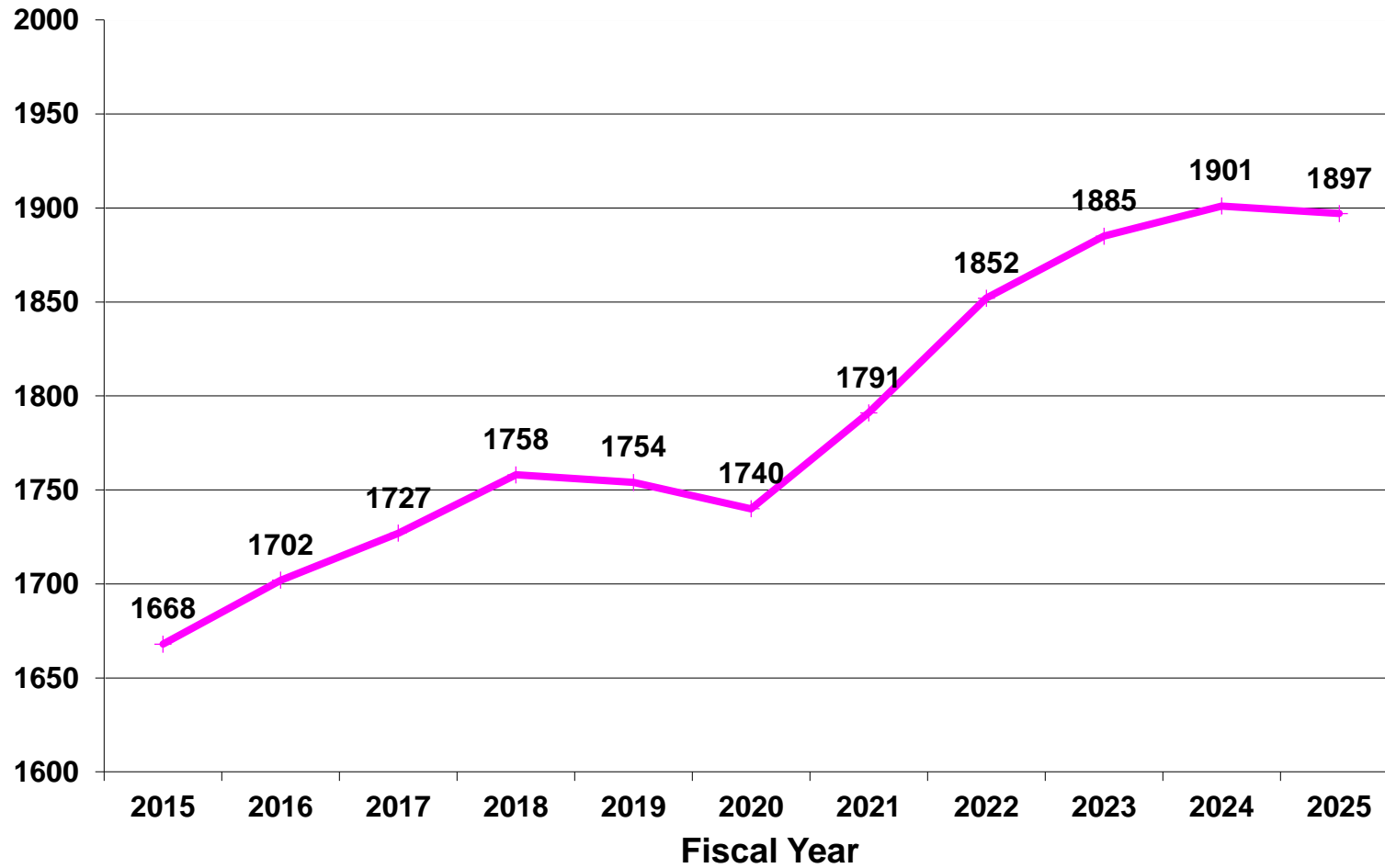
\* Actual prison population on June 30, 2015.  
This group accounts for 15.3% of the total projected prison population in FY 2025.

**Figure 5: Projected Violent Inmate Prison Population**



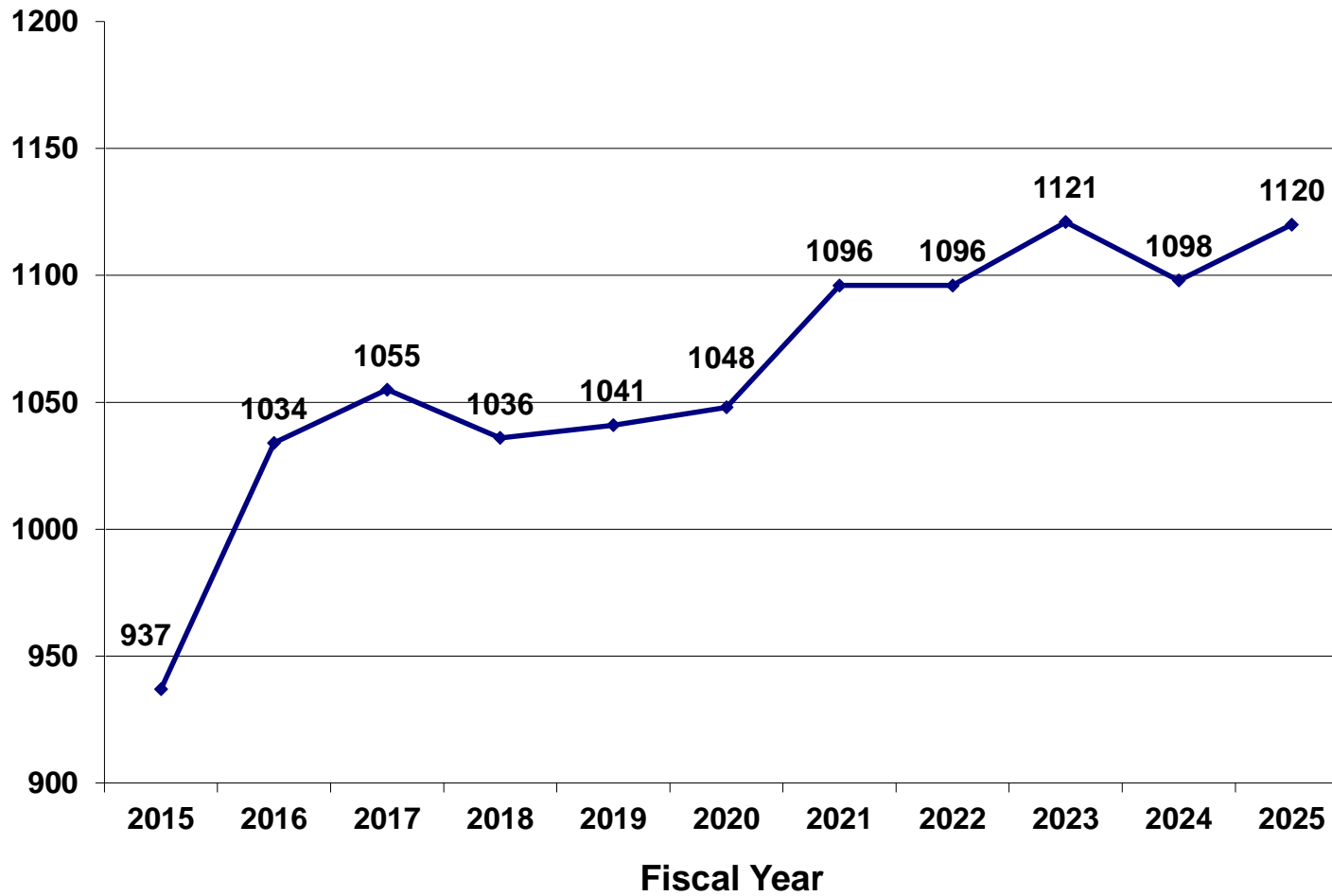
\* Actual prison population on June 30, 2015.  
This group accounts for 37.5% of the total projected prison population in FY 2025.

**Figure 6: Projected N4-N6 Inmate Prison Population**



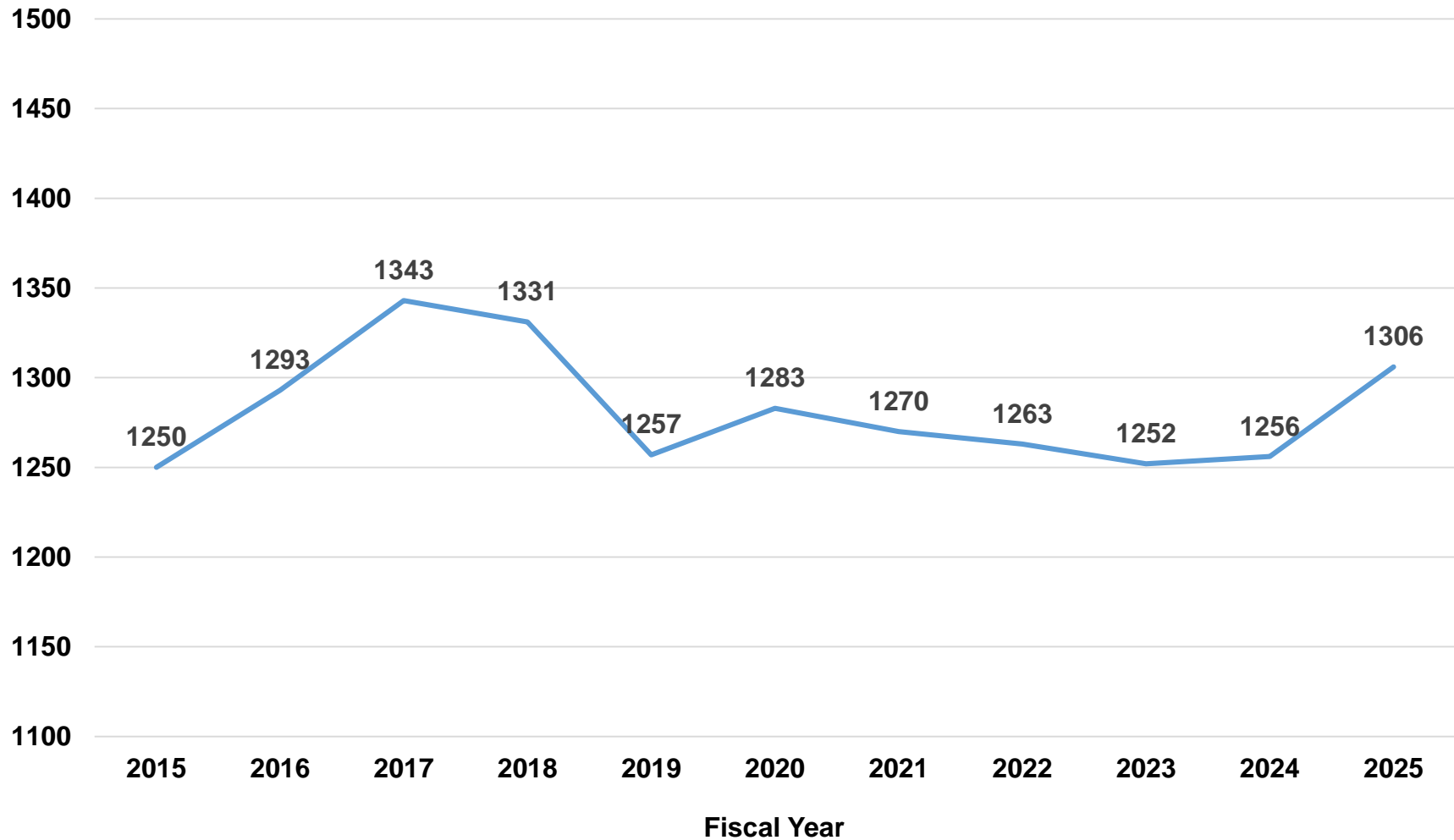
\* Actual prison population on June 30, 2015.  
This group accounts for 16.8% of the total projected prison population in FY 2025.

**Figure 7: Projected Nonviolent Inmate Prison Population**



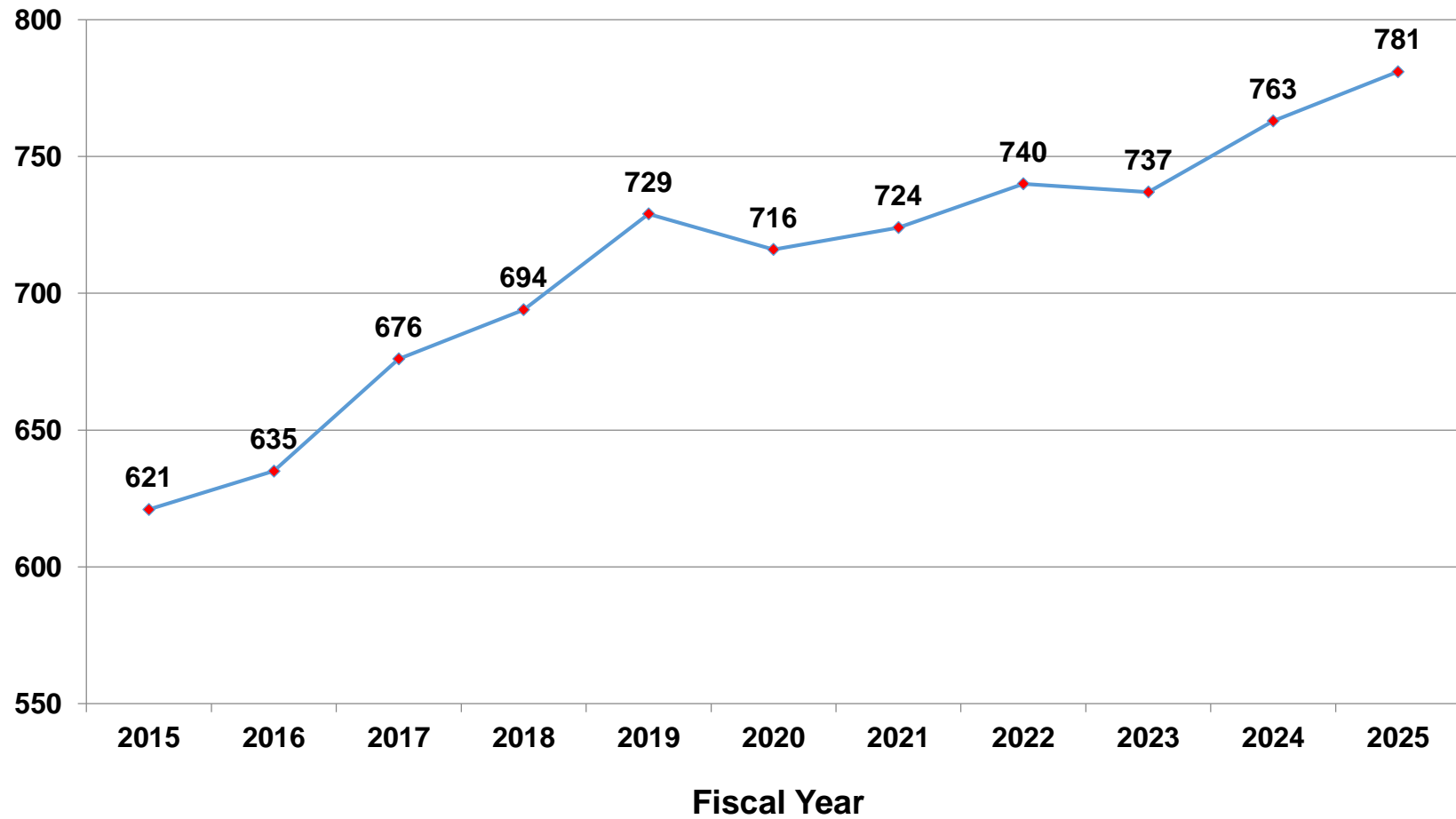
\* Actual prison population on June 30, 2015.  
This group accounts for 9.9% of the total projected prison population in FY 2025.

**Figure 8: Projected Probation Condition Violator Inmate Population**



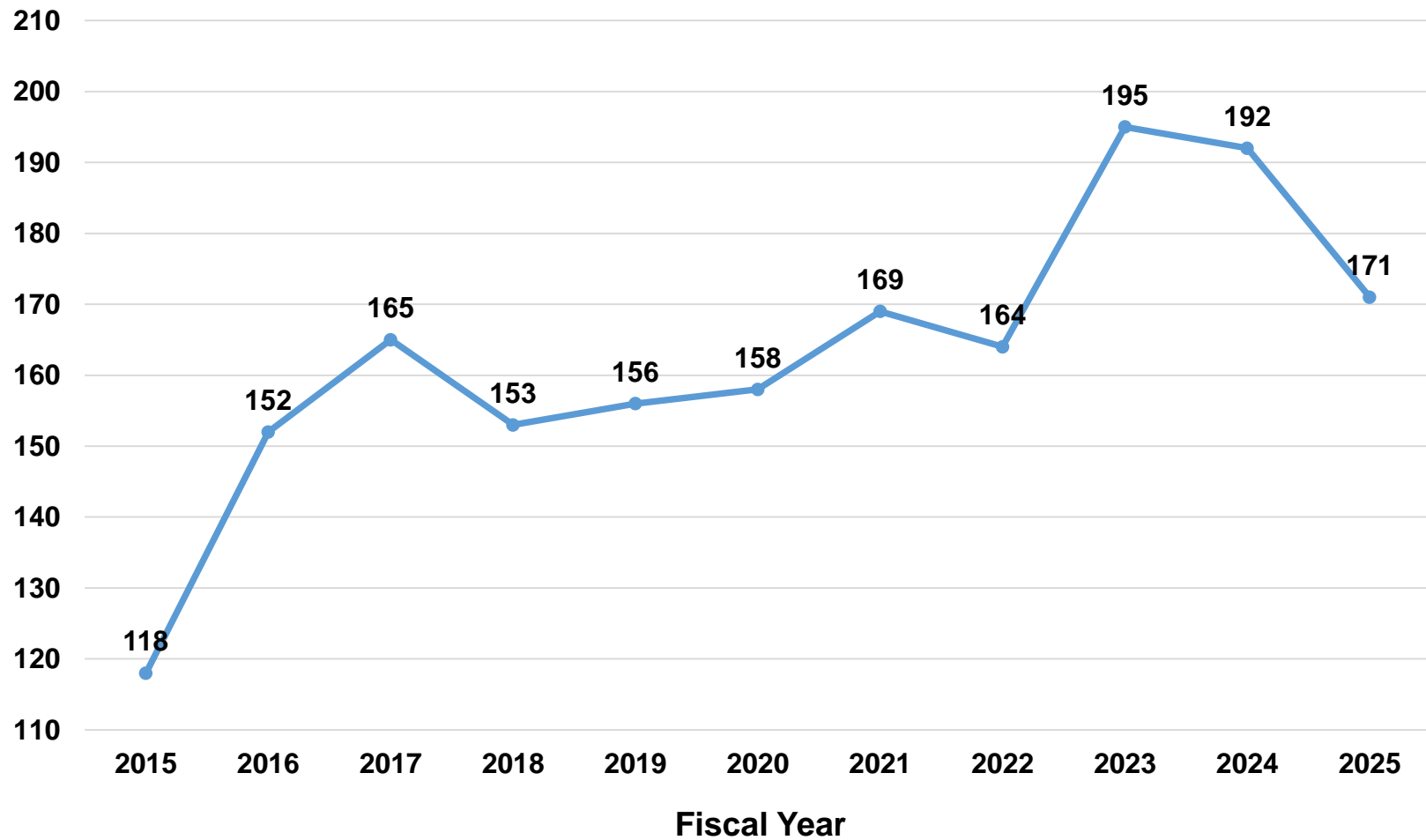
\* Actual prison population on June 30, 2015.  
This group accounts for 11.6% of the total projected prison population in FY 2025.

**Figure 9: Projected Parole/Postrelease Condition Violator Inmate Population**



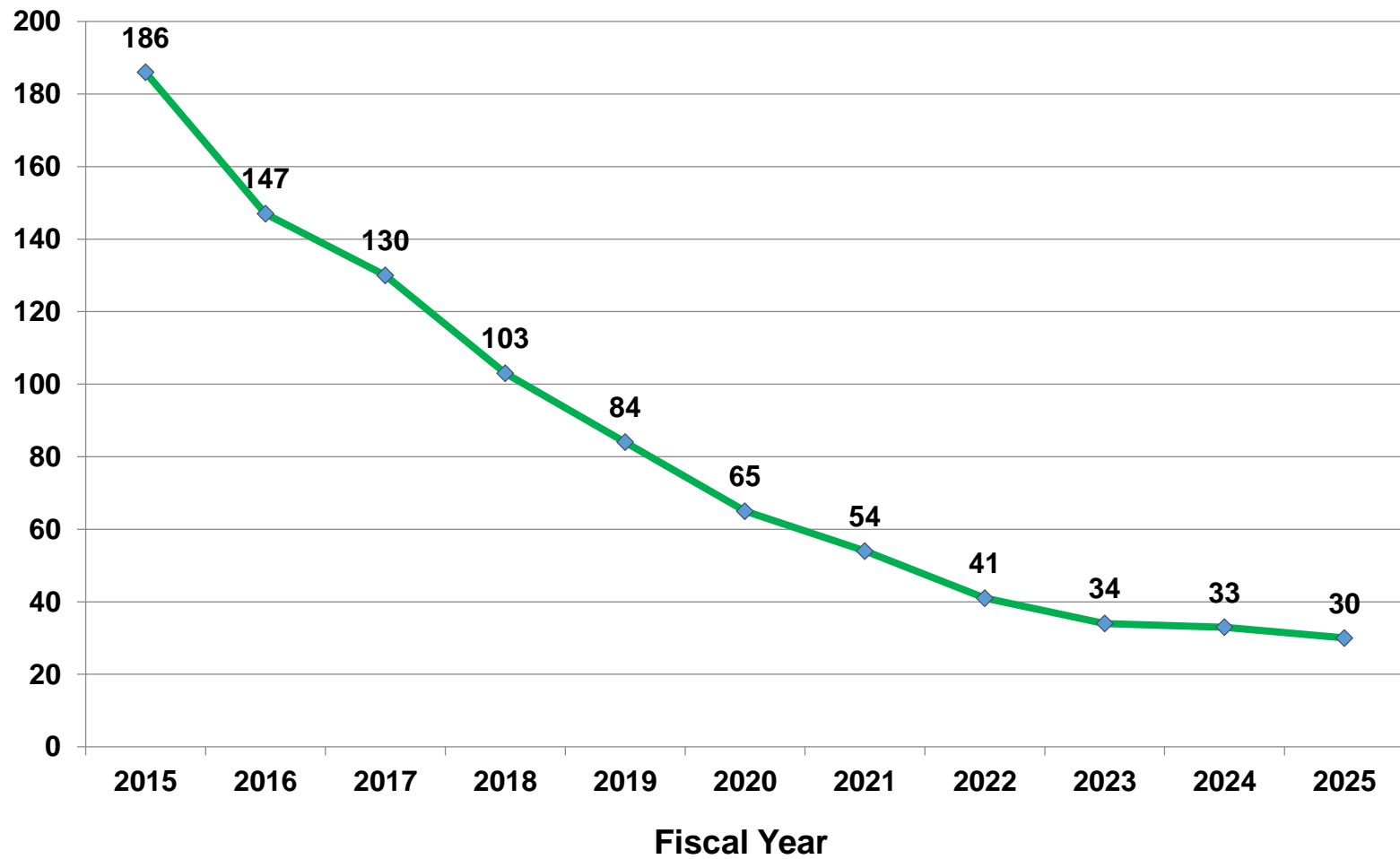
\* Actual prison population on June 30, 2015.  
This group accounts for 6.9% of the total projected prison population in FY 2025.

**Figure 10: Projected Sanction Inmate Population From Probation**



\* Actual prison population on June 30, 2015.  
This group accounts for 1.5% of the total projected prison population in FY 2025.

**Figure 11: Projected Old Law (Exclude Offgrid) Inmate Population**

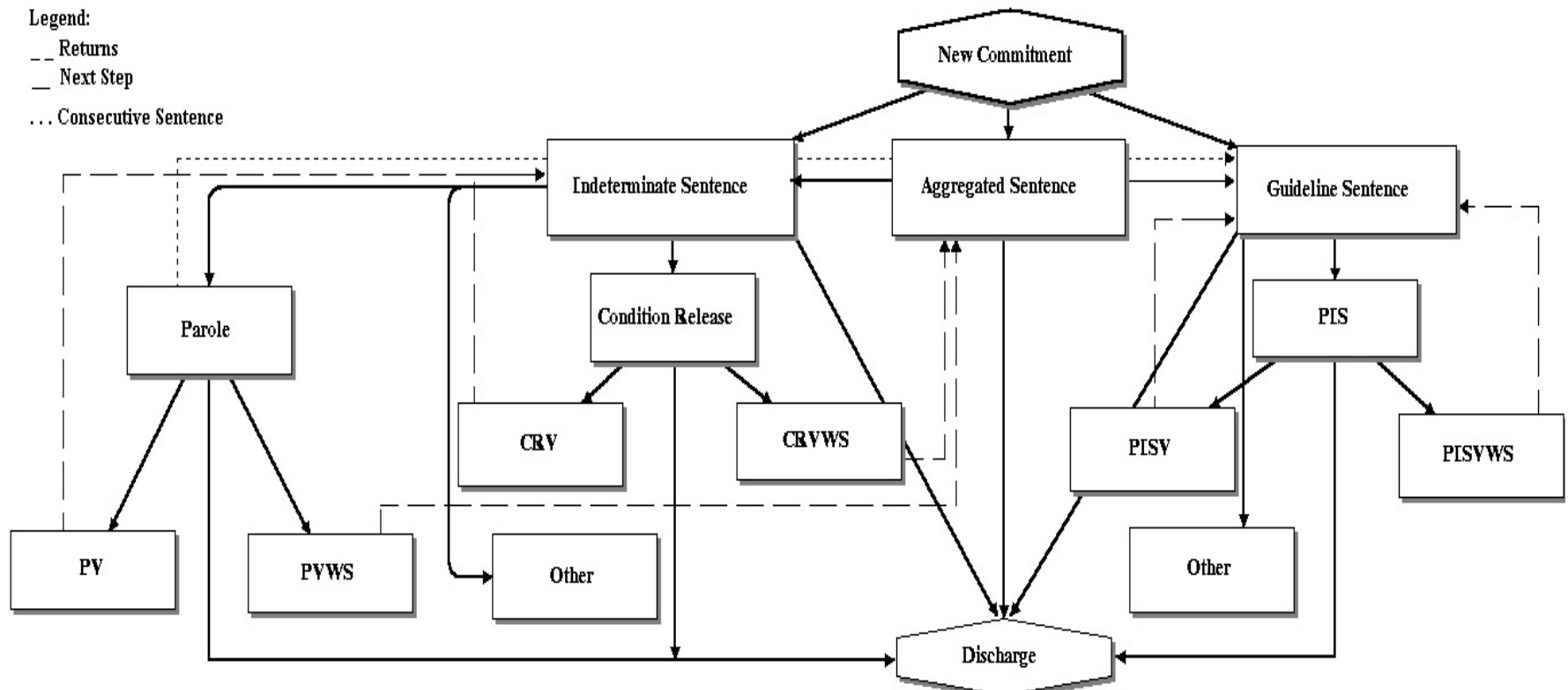


\* Actual prison population on June 30, 2015.

This group accounts for 0.3% of the total projected prison population in FY 2025.

**ATTACHMENT A - KANSAS PRISONER MOVEMENT SIMULATION MODEL**

# Kansas Prison Inmate Movement Simulation Model



Note: PV=condition parole violator; PVWS=parole violator with new sentence; CRV=condition release violator; CRVWS=condition release violator with new sentence; PIS=post incarceration supervision; PISV=post incarceration supervision violator; PISVWS=post incarceration supervision violator with new sentence.

## **ATTACHMENT B - PRISON POPULATION PROJECTION MONITORING REPORT**

**Table 11: Total Prison Population Monthly Monitoring Report  
FY 2015 Model**

<b>Month/Year</b>	<b>Projected</b>	<b>Actual</b>	<b>Difference</b>	<b>Percent Error</b>
July 2014	9660	9649	11	0.11%
August 2014	9656	9616	40	0.42%
September 2014	9627	9701	-74	-0.76%
October 2014	9638	9671	-33	-0.34%
November 2014	9622	9678	-56	-0.58%
December 2014	9620	9734	-114	-1.17%
January 2015	9604	9654	-50	-0.52%
February 2015	9598	9667	-69	-0.71%
March 2015	9656	9741	-85	-0.87%
April 2015	9714	9780	-66	-0.67%
May 2015	9666	9776	-110	-1.13%
June 2015	9659	9822	-163	-1.66%

**Table 12: Male Prison Population Monthly Monitoring Report**

<b>Month/Year</b>	<b>Projected</b>	<b>Actual</b>	<b>Difference</b>	<b>Percent Error</b>
July 2014	8907	8902	5	0.06%
August 2014	8883	8867	16	0.18%
September 2014	8857	8923	-66	-0.74%
October 2014	8878	8879	-1	-0.01%
November 2014	8853	8891	-38	-0.43%
December 2014	8849	8945	-96	-1.07%
January 2015	8826	8888	-62	-0.70%
February 2015	8813	8889	-76	-0.85%
March 2015	8861	8928	-67	-0.75%
April 2015	8924	8959	-35	-0.39%
May 2015	8873	8947	-74	-0.83%
June 2015	8884	8989	-105	-1.17%

**Table 13: Female Prison Population Monthly Monitoring Report**

<b>Month/Year</b>	<b>Projected</b>	<b>Actual</b>	<b>Difference</b>	<b>Percent Error</b>
July 2014	753	747	6	0.80%
August 2014	773	749	24	3.20%
September 2014	770	778	-8	-1.03%
October 2014	760	792	-32	-4.04%
November 2014	769	787	-18	-2.29%
December 2014	771	789	-18	-2.28%
January 2015	778	766	12	1.57%
February 2015	785	778	7	0.90%
March 2015	795	813	-18	-2.21%
April 2015	790	821	-31	-3.78%
May 2015	793	829	-36	-4.34%
June 2015	775	833	-58	-6.96%

## **ATTACHMENT C - TREND ANALYSES**

**Table 14: Five Year Prison Admission Trend by Admission Type  
FY 2011 through FY 2015**

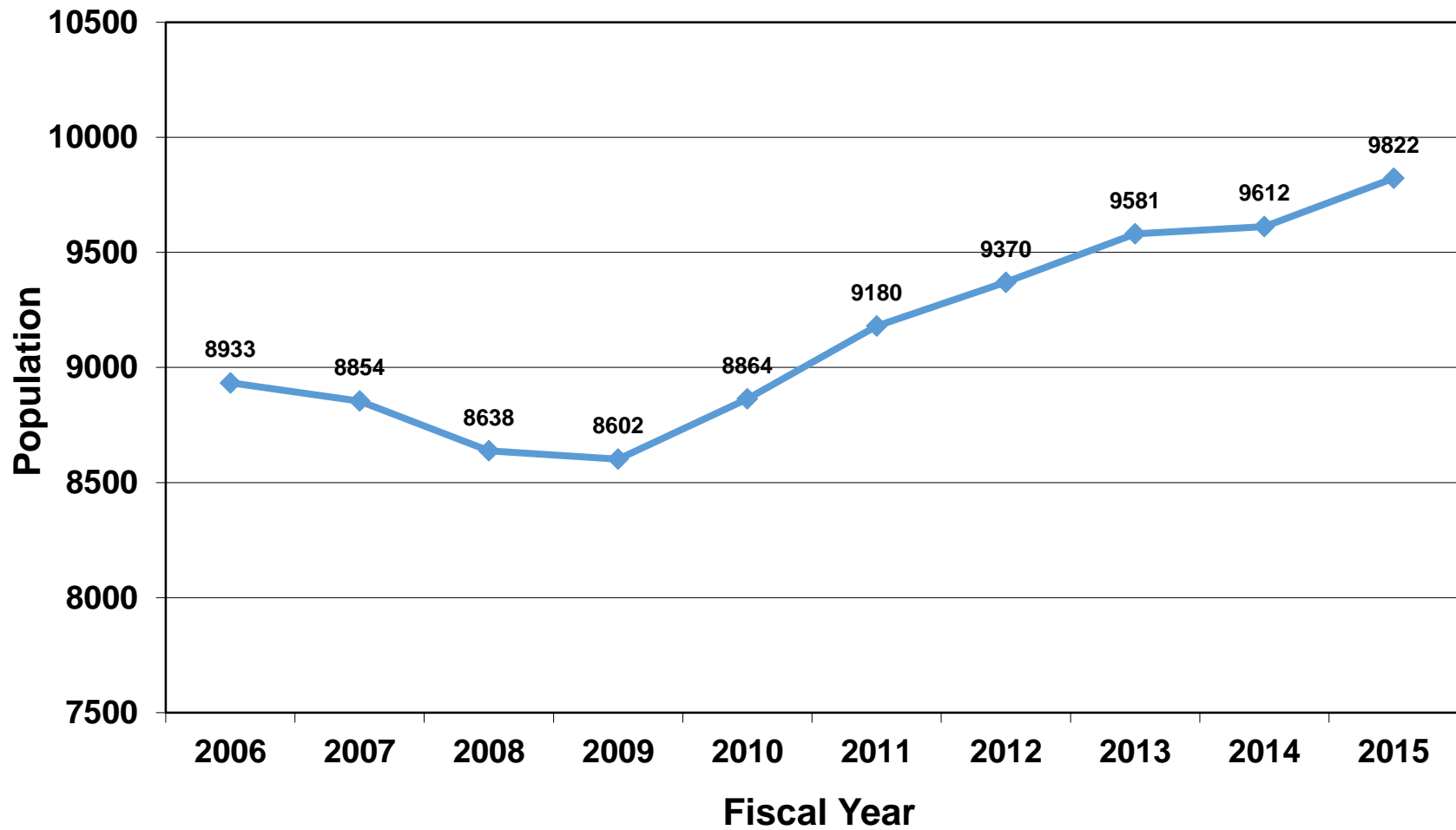
Admission Type	FY 2011	FY 2012	FY 2013	FY 2014*	FY 2015*	% Change FY 2015-FY 2014	% Change FY 2015-FY 2011
	N	N	N	N	N		
New Court Commitment	1995	1975	1894	1844	1922	4.2%	-3.7%
Probation Condition Violator	1626	1682	1629	1368	1321	-3.4%	N/C
Probation Prison Sanction	N/A	N/A	N/A	323	691	113.9%	N/A
Probation Violator With New Sentence	91	180	198	257	331	28.8%	263.7%
Probation Violator With New Conviction*	N/A	N/A	N/A	134	168	25.4%	N/A
Inmate Received on Interstate Compact	8	10	9	16	8	-50.0%	0.0%
Parole/Post-release/CR Condition Violator	1027	955	1234	1122	1219	8.6%	18.7%
Parole/Post-release/CR Violator With New Sentence	161	141	177	185	151	-18.4%	-6.2%
Paroled to Detainer Returned With New Sentence	25	19	33	34	27	-20.6%	8.0%
Non Violator Return- New Sentence	23	29	28	20	35	75.0%	N/A
Non Violator Return- No New Sentence	2	2	3	4	3	-25.0%	N/A
<b>Total</b>	<b>4958</b>	<b>4993</b>	<b>5205</b>	<b>5307</b>	<b>5876</b>	<b>10.7%</b>	<b>18.5%</b>

Source: DOC admission files.

\*. Probation violator with new conviction has been separated from probation condition violator since FY 2014, therefore probation condition violator cannot be compared with that in FY 2011.

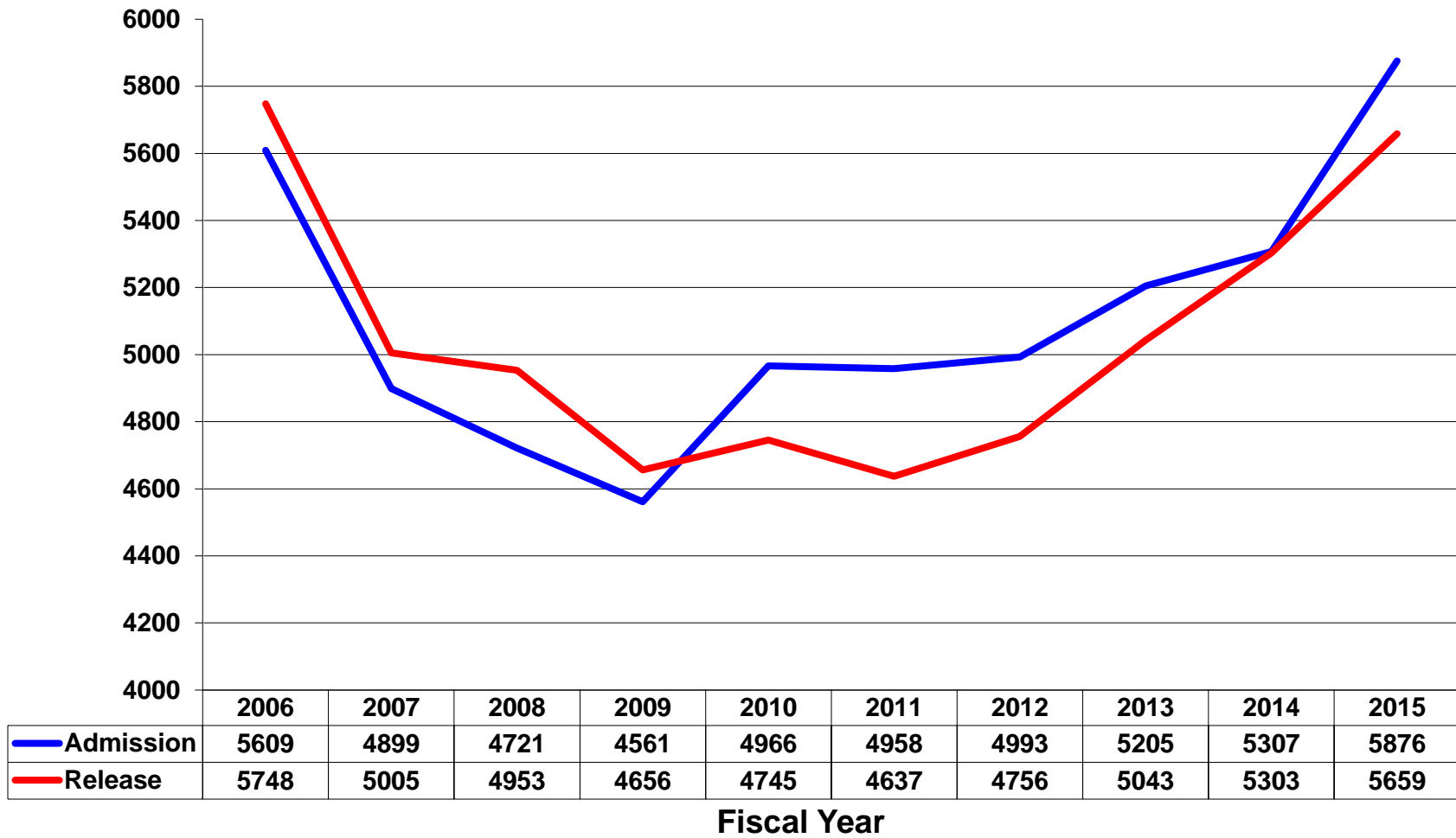
Note: FY 2015 parole violator with new sentence includes parole violator pending new sentence.

**Figure 12: Prison Population Trends**



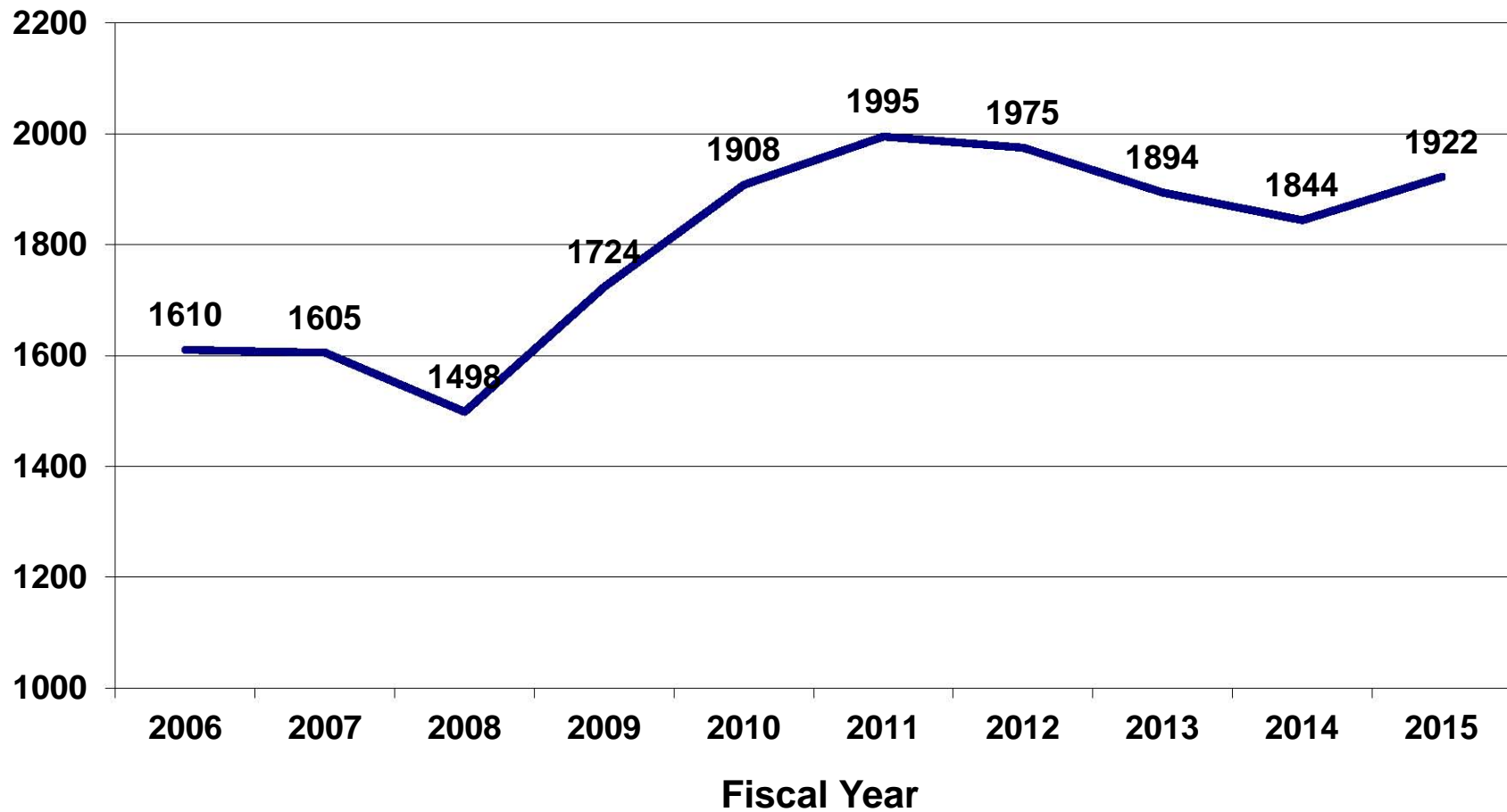
Source: KDOC prison population files

**Figure 13: Prison Admissions Vs. Releases**



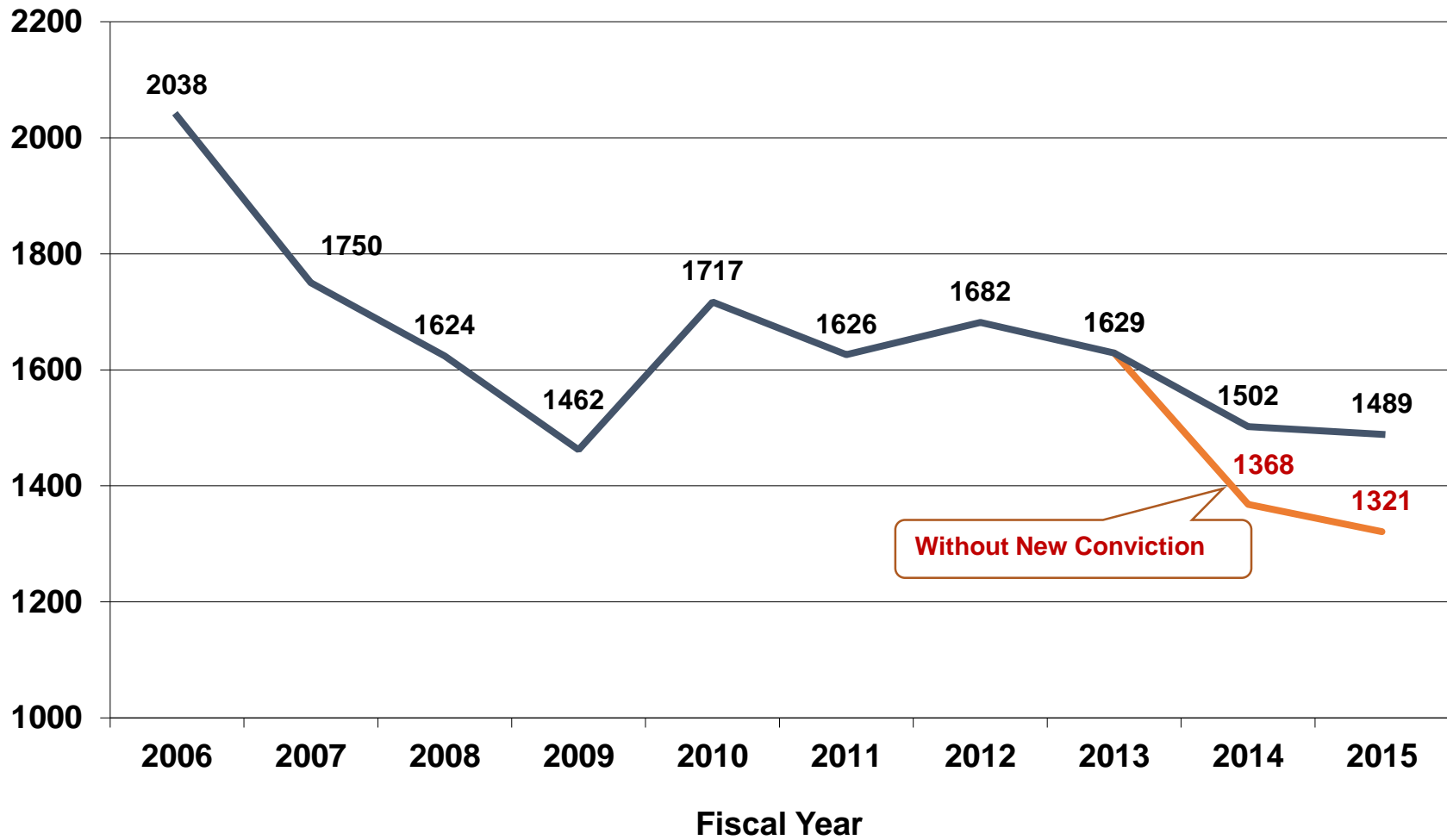
Source: KDOC admission and release files

**Figure 14: Direct New Court Commitments**



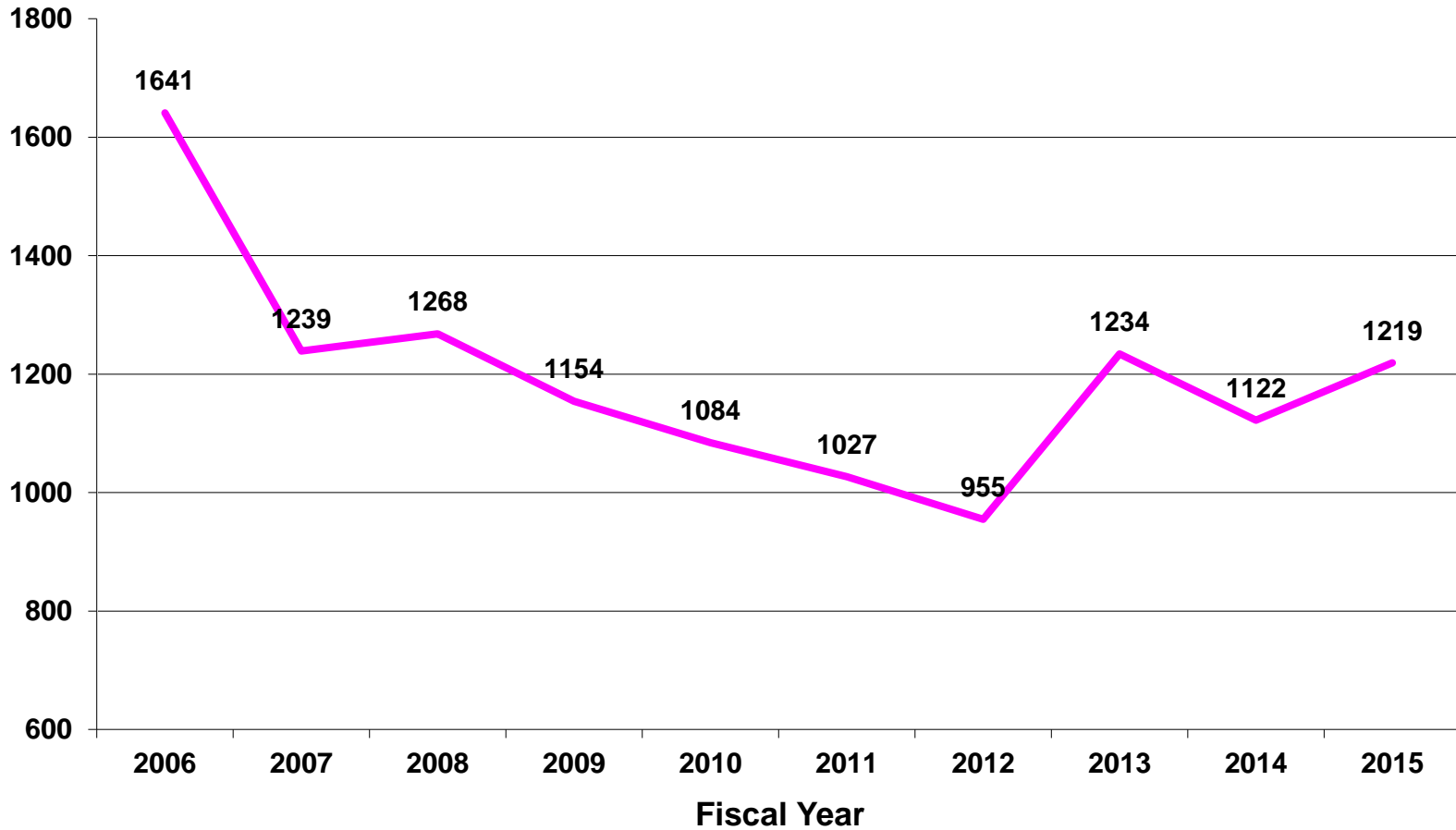
Source: KDOC admission files

**Figure 15: Probation Condition Violators**



**Note:** New conviction has been separated from probation condition violators since FY 2014.

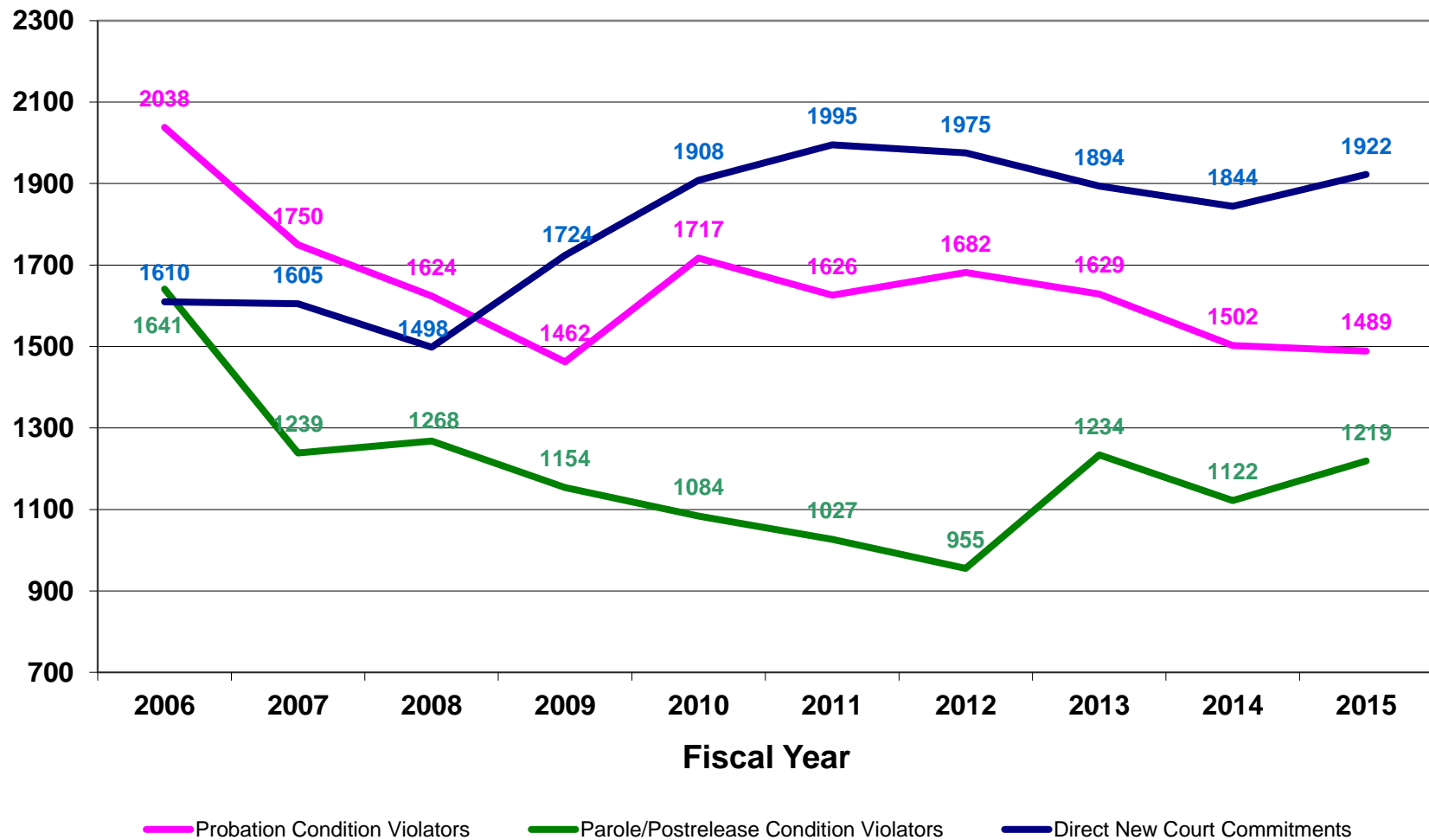
**Figure 16: Parole/Postrelease Condition Violators**



Source: KDOC admission files

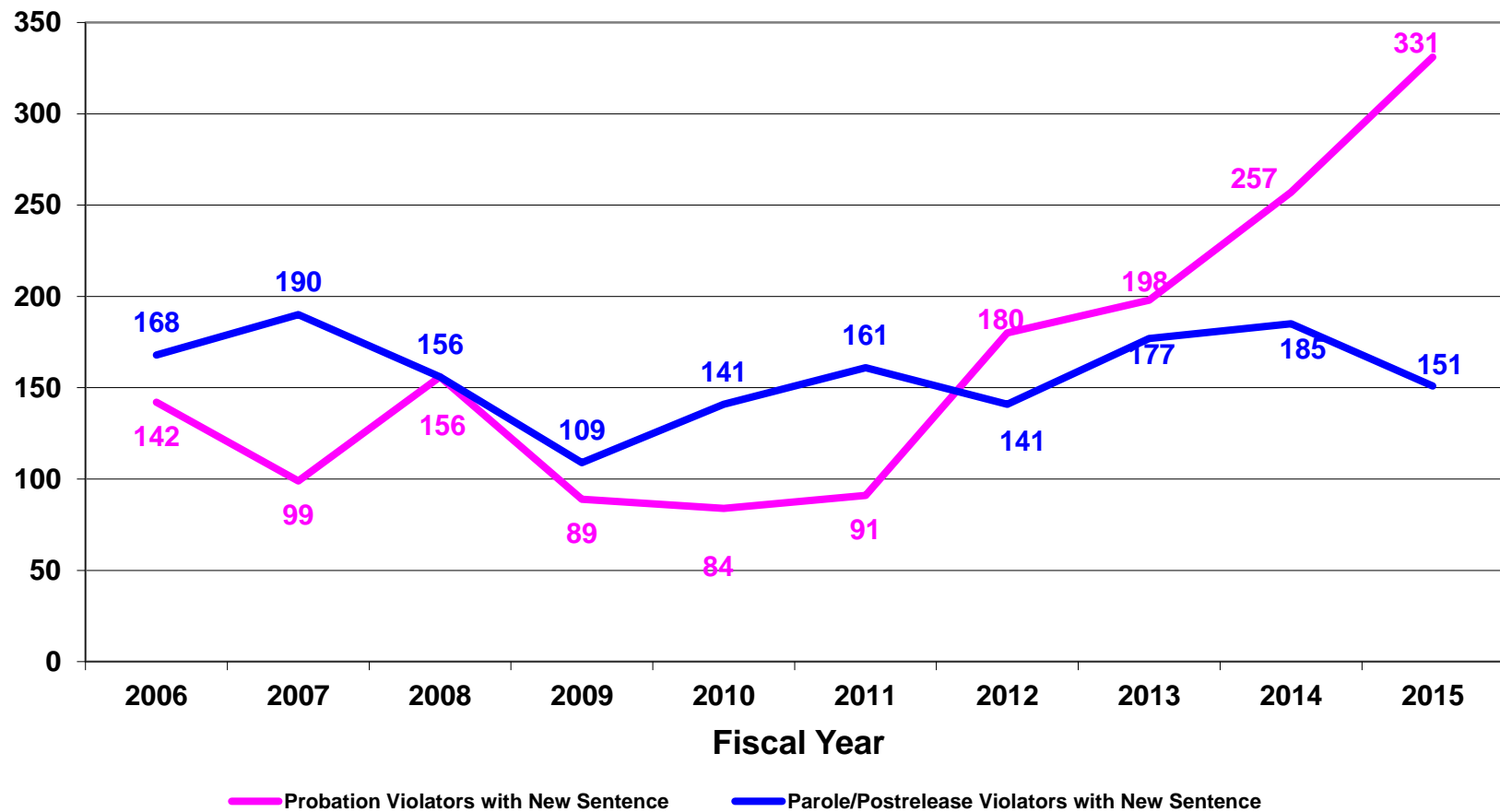
Note: Including condition conditional-release violators

**Figure 17: Prison Admissions by Three Major Types**



**Note:** FY 2014 and FY 2015 probation condition violators include probation violators with new conviction.

**Figure 18: Probation and Parole/Postrelease Violators with New Sentence**



Source: KDOC admission files.

## **ATTACHMENT D - GUIDELINE SENTENCING GRIDS**

**Table 15: Sentencing Range - Nondrug Offenses**

Category y →	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanor	1 Misdemeanor No Record
<b>I</b>	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
<b>II</b>	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
<b>III</b>	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
<b>IV</b>	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
<b>V</b>	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 32 31
<b>VI</b>	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	21 20 19	19 18 17
<b>VII</b>	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
<b>VIII</b>	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
<b>IX</b>	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
<b>X</b>	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

**Probation Terms are:**

36 months recommended for felonies classified in Severity Levels 1-5  
 24 months recommended for felonies classified in Severity Levels 6-7  
 18 months (up to) for felonies classified in Severity Level 8  
 12 months (up to) for felonies classified in Severity Levels 9-10

**Postrelease Supervision Terms are:**

36 months for felonies classified in Severity Levels 1-4  
 24 months for felonies classified in Severity Level 5-6  
 12 months for felonies classified in Severity Levels 7-10

**Postrelease for felonies committed before 4/20/95 are:**

24 months for felonies classified in Severity Levels 1-6  
 12 months for felonies classified in Severity Level 7-10

LEGEND
Presumptive Probation
Border Box
Presumptive Imprisonment

**Table 16: Sentencing Range - Drug Offenses**

Categories→	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felony	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor No Record
I	204 194 185	196 186 176	187 178 169	179 170 161	170 162 154	167 158 150	162 154 146	161 150 142	154 146 138
II	144 136 130	137 130 122	130 123 117	124 117 111	116 111 105	113 108 101	110 104 99	108 100 96	103 98 92
III	83 78 74	77 73 68	72 68 65	68 64 60	62 59 55	59 56 52	57 54 51	54 51 49	51 49 46
IV	51 49 46	47 44 41	42 40 37	36 34 32	32 30 28	26 24 23	23 22 20	19 18 17	16 15 14
V	42 40 37	36 34 32	32 30 28	26 24 23	22 20 18	18 17 16	16 15 14	14 13 12	12 11 10
Presumptive Probation		•Fines not to exceed \$500,000 (SL1-SL2), \$300,000 (SL3-SL4), \$100,000 (SL5)  •Severity level of offense increases one level if controlled substance or analog is distributed or possessed w/ intent to distribute on or							
Border Box									
Presumptive Imprisonment									

Distribute or Possess w/ intent to Distribute									
Levels	Cocaine	Meth & Heroin	Marijuana	Manufacture (all)	Cultivate	Dosage Units	Postrelease	Probation	Good Time
I	≥ 1 kg	≥ 100 g	≥ 30 kg	2nd or Meth	>100 plants	>1000	36	36	15%
II	100 g - 1 kg	3.5 g - 100 g	450 g - 30 kg	1st	50-99 plants	100-999	36	36	15%
III	3.5 g - 100 g	1 g - 3.5 g	25 g - 450 g		5-49 plants	10-99	36	36	15%
IV	< 3.5 g	< 1 g	< 25 g			<10	24	≤ 18	20%
V	Possession		Possession-2nd offense				12	*≤12	20%

\* ≤ 18 months for 2003 SB123 offenders